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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10089

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the Civil Functions Appropriation Act, 1950 (Public Law 355, 81st Congress), and section 629 of the National Military Establishment Appropriation Act, 1950 (Public Law 434, 81st Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said Acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 6, 1949.

[F. R. Doc. 49-9897; Filed, Dec. 7, 1949;
11:05 a. m.]

EXECUTIVE ORDER 10090

INSPECTION OF INCOME TAX RETURNS BY FEDERAL TRADE COMMISSION

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55 (a)), and in the interest of the internal management of the Government, it is hereby ordered that corporation income tax returns made for the calendar year 1949 and fiscal years ending in the calendar year 1949 and for any taxable year ending after June 30, 1949, and before July 1, 1950, shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred upon such Commission by the Federal Trade Commission Act of September 26, 1914, 38 Stat. 717, such

inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision¹ relating to the inspection of returns by the Federal Trade Commission, approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 6, 1949.

[F. R. Doc. 49-9898; Filed, Dec. 7, 1949;
11:06 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ-21-Tobacco (1950)]

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¹ See Title 26, Chapter I, Part 458, *infra*.

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Parts 170-182 (\$3.25)
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Sec.	
723.126	Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.127	Approval of determinations made under §§ 723.111 to 723.126.
723.128	Application for review.

AUTHORITY: §§ 723.111 to 723.128, issued under sec. 375, 52 Stat. 86, as amended; 7 U. S. C. and Sup. 1375. Interpret or apply secs. 312, 313, 52 Stat. 46, 47, as amended; 7 U. S. C. and Sup. 1312, 1313.

GENERAL

§ 723.111 *Basis and purpose.* The regulations contained in §§ 723.111 to 723.128 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1950 farm acreage allotments and normal yields for Virginia sun-cured tobacco. The purpose of the regulations in §§ 723.111 to 723.128 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Virginia sun-cured tobacco for the 1950-51 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.111 to 723.128 public notice (14 F. R. 6796) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 723.111 to 723.128 which were submitted have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended. Since the act requires the mailing of notices of farm acreage allotments to operators prior to the date of the referendum, which must be held within 30 days after the date of the proclamation of the national marketing quota, it is hereby found that compliance with the 30-day effective date of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, these regulations will become effective upon the date of their publication in the **FEDERAL REGISTER**.

§ 723.112 *Definitions.* As used in §§ 723.111 to 723.128, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit

with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) "New farm" means a farm on which tobacco will be produced in 1950 for the first time since 1944.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1945 through 1949.

(e) "Cropland" means farm land which in 1949 was tilled or was in regular crop-rotation, excluding any land which constitutes, or will constitute if such tillage in continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

(f) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Tobacco" means Virginia sun-cured tobacco, type 37, as classified in Service and Regulatory Announcements No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics.

§ 723.113 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.114 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as may be deemed necessary, and shall cause to be prepared such instructions as are necessary for carrying out the regulations. The forms and instructions shall be approved by, and the instructions shall be issued by the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.115 *Applicability of §§ 723.111 to 723.128.* Sections 723.111 to 723.128 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1950. The applicability of §§ 723.111 to 723.128 is contingent upon the proclamation of a national marketing quota for Virginia sun-cured

tobacco by the Secretary, and approval thereof by growers voting in a referendum pursuant to Section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.116 *Determination of 1950 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the largest of the following:

(a) The average acreage of tobacco harvested on the farm in the five years 1945-49.

(b) 70 percent of the average acreage of tobacco harvested on the farm in the three years 1947 through 1949.

(c) 30 percent of the acreage of tobacco harvested on the farm in 1949.

§ 723.117 *1950 old farm tobacco acreage allotments.* The preliminary allotment calculated for all old farms in the State pursuant to § 723.116 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.118 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm plus the adjustment, if any, pursuant to § 723.118 (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.118 *Adjustment of acreage allotments for old farms.* The allotment for an old farm may be adjusted if the community committee, with the approval of the county committee, finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices, than the average of the allotments for other old farms in the community in relation to such factors: *Provided*, That the allotment as adjusted shall not exceed the smaller of (a) acreage capacity of curing barns located on the farm which are in usable condition and available for curing tobacco, or (b) 25 percent of the cropland in the farm. The acreage available for increasing allotments under this section shall not exceed 5 percent of the 1950 State acreage allotment.

§ 723.119 *Determination of harvested acreage for divided or combined farms.* If land operated as a single farm in any of the five years 1945-49 has since been divided into two or more tracts, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm shall be apportioned among the tracts in the same proportion which the acreage of cropland suitable for the production of tobacco on each tract in such year bore

to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year.

If land operated as two or more farms in any of the five years 1945-49 has since been combined into one farm, the harvested acreage of tobacco for the farm shall be the sum of the harvested acreages on the separate tracts.

§ 723.120 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having the right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.121 *Farms divided or combined.* (a) If land operated as a single farm in 1949 will be operated in 1950 as two or more farms, the 1950 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year: *Provided*, That, with the recommendation of the county committee and approval of the State committee, the tobacco preliminary acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1950 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1949 are combined and operated in 1950 as a single farm, the 1950 preliminary allotment shall be the sum of the 1950 preliminary allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1950 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee may prescribe.

§ 723.122 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county

committee determines is normal for the farm, taking into consideration (a) the yields obtained on the farm during the five years 1944-48; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.123 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment under § 723.120, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who has been in the armed services shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Virginia sun-cured tobacco allotment is established for the 1950-51 marketing year; and

(d) The farm will not have a 1950 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1950 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms.

§ 723.124 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee

prior to February 1, 1950, unless the farm operator was discharged from the armed services subsequent to December 31, 1949, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.125 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.126 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.111 to 723.125 the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1945-49 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1945-49, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.127 *Approval of determinations made under §§ 723.111 to 723.126.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 723.111 to 723.126. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 723.128 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotment and marketing quotas are contained in the regulations issued by the Secretary (7 CFR 711) which are available at the office of the county committee.

Done at Washington, D. C., this 2d day of December 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-9813; Filed, Dec. 7, 1949; 8:52 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates
[Sugar Determination 864.2]

PART 864—SUGARCANE (PRODUCTION AND CULTIVATION); LOUISIANA

CALENDAR YEAR 1950

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 15, 1949, the following determination is hereby issued:

§ 864.2 *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1950—(a) Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to

the production and cultivation of sugarcane in Louisiana during the calendar year 1950, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination, not less than the following:

(i) *Basic wage rates and adjustments for sugar price changes.* When the average price of raw sugar (duty paid basis, delivered) is within the base price range of \$5.60 to \$6.00, inclusive, per one hundred pounds for the two weeks' period immediately preceding the two weeks' period during which the work is performed, and for each full 10 cents that such price shall average more than \$6.00 or less than \$5.60, the basic day wage rates in the following table shall be applicable:

TABLE OF RAW SUGAR PRICE RANGES AND APPLICABLE BASIC WAGE RATES¹

Operations	Price ranges—2 weeks' average price of 100 pounds raw sugar (duty paid basis, delivered)						
	\$5.201 5.300	\$5.301 5.400	\$5.401 5.500	\$5.501 5.600	\$5.601 5.700	\$5.701 5.800	\$5.801 5.900
At least.....							
But not more than.....							
For all work except as otherwise specified:				Base price range \$5.60-\$6.00			
Adult females, per 9-hour day.....	\$2.25	\$2.30	\$2.35	\$2.40	\$2.45	\$2.50	\$2.55
Adult males, per 9-hour day.....	2.75	2.80	2.85	2.90	2.95	3.00	3.05
Tractor drivers, per 9-hour day.....	3.50	3.55	3.60	3.65	3.70	3.75	3.80
Teamsters, per 9-hour day.....	2.75	2.80	2.85	2.90	2.95	3.00	3.05
Workers between 14 and 16 years of age, per 8-hour day.....	2.05	2.10	2.15	2.20	2.25	2.30	2.35

¹ For each successive full 10-cent price change above \$6.30 or below \$5.30, the basic wage rates shall be increased or decreased, correspondingly, by the same amounts as shown above for each full 10-cent price change.

(ii) *Hourly rates.* Where workers are employed on an hourly basis, the basic wage rate per hour shall be determined by dividing the applicable basic day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and by 8 in the case of workers between 14 and 16 years of age.

(iii) *Piecework rates.* The piecework rate for any class of work shall be that agreed upon between the producer and worker: *Provided,* That the hourly rate of earnings for each worker for the time involved for each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate specified in subdivision (i) of this subparagraph.

(iv) *Determination of average sugar prices.* The two weeks' average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar (duty paid basis, delivered) of the Louisiana Sugar Exchange, Inc., adjusted to a one hundred pound basis, except that if the Director of the Sugar Branch determines that for any two weeks' period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination. For the purpose of this determination the average price of raw sugar prevailing during the period from De-

cember 16 through December 29, 1949, shall determine the wage rates from January 1 through January 12, 1950, and thereafter the wage rates in successive two weeks' work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding two weeks' period.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local PMA Committee. Upon receipt of a wage claim the PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such in-

vestigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee, University Station, Baton Rouge, Louisiana, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1950. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination", identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana, on July 15, 1949, at which time interested persons presented testimony with respect to fair and reasonable wage rates for production and cultivation work during the calendar year 1950. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates for work in production and cultivation of sugarcane in Louisiana have been issued for each calendar year beginning with 1938. In the 1938 and 1939 wage determina-

tions specific time rates were provided for adult males and adult females. Beginning with the 1940 wage determination coverage was extended to tractor drivers, teamsters and workers between 14 and 16 years of age.

The 1938 wage determination increased basic adult male wages for production and cultivation work 20 cents per day over those of the previous year. An increase in producer income at the same time permitted the maintenance of the customary relationship of wages to income that had existed in prior years. The basic wage rates were not changed during the years from 1938 to 1941 and the wage-income relationship remained relatively constant. Beginning in 1942, the basic wage rates were increased 30 cents per day and have been increased in varying amounts each subsequent year until 1948. Throughout the period, wage rates have been established primarily on the basis of the historical wage-income relationship, though in more recent years alterations have been made to give recognition to significant changes which have occurred in other factors customarily considered in establishing wage rates. Since the base period 1938-40 the weighted average basic time rates for production and cultivation work have been increased from 13.4 cents per hour to 33.0 cents in 1948, an increase of 146.3 percent.

In order that the wage rates might be more responsive to significant changes in sugar prices and producer income than was possible under the fixed wage levels of preceding determinations, there was included in the 1949 wage determination a modified wage-price escalator scale. A provision was made that basic time and piecework rates for a two weeks' work period be increased or decreased for each full 10 cents that the average price of 96° raw sugar (duty paid basis, delivered) was more than \$6.25 or less than \$5.60 per one hundred pounds for the two weeks' period immediately preceding the two weeks' period during which the work was performed. The amount of increase or decrease was \$0.050 per 9-hour day.

(d) 1950 wage determination. The 1950 wage determination continues unchanged the basic wage rates of the 1949 wage determination, except that the upper limit of the base price range of the wage escalator has been lowered from \$6.25 to \$6.00 per one hundred pounds of raw sugar. The change conforms to recommendations made at the public hearing and will permit increments in the day wage rates at lower levels of raw sugar prices than in the 1949 wage determination. The amount of wage increase or decrease for each full 10 cents change in the average raw sugar price above \$6.00 or below \$5.60 per 100 pounds, respectively, is the same as in the 1949 determination, i. e., \$0.050 per 9-hour day. For convenience this wage determination contains a complete table of day rates for average raw sugar prices between \$5.201 and \$6.399 per one hundred pounds. In this wage determination, average raw sugar prices are to be based on the daily "spot" quotations of the Louisiana Sugar Exchange, Inc., the suc-

cessor to the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange whose quotations were used in the 1949 determination.

For the first time the 1950 wage determination contains a provision setting forth the procedure which should be followed in filing a wage claim by a person who believes he has not been paid in accordance with this determination. While wage claim procedure has been effective in prior years, its inclusion in this determination will make such information generally available to all producers and laborers.

An examination of the several factors considered in wage determinations indicates a general stability during the greater part of the calendar year 1949. While blackstrap molasses prices reached lower levels than those prevailing in the fall of 1948, the increased price of raw sugar together with the revision in the sugarcane pricing formula indicates an improvement in the gross income per ton of sugarcane sold. However, if any significant change in producer income should occur, such changes will be reflected in higher or lower wage rates through the wage-price escalator provided in the determination. Prices paid by farmers for commodities used in production and costs of living for sugarcane workers have declined somewhat since late 1948, although in more recent months there has been less fluctuation in these factors and a slight increase has occurred in food costs. The absence of significant changes during the past year in factors considered affords a reasonable basis to continue the basic wage rates unchanged. In addition to the basic wage rates and payments for piecework, workers must be furnished, without charge, the customary perquisites, such as a habitable house, medical attention, and similar items.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 2d day of December 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-9812; Filed, Dec. 7, 1949; 8:48 a. m.]

[Sugar Determination 867.2]

PART 867—SUGARCANE; PUERTO RICO
CALENDAR YEAR 1950

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in San Juan, Puerto Rico, on September 22, 1949, the following determination is hereby issued:

§ 867.2 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the

calendar year 1950—(a) Wage requirements. The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Puerto Rico for the calendar year 1950 if the producer complies with the following:

(1) Wage rates. All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination, not less than the following:

(i) Day rates—(a) Basic rates. The basic day rate for the first 8 hours of work performed in any 24-hour period (except that for ditch diggers, ditch cleaners, or field flooders in Class E, herein below, the applicable day rate shall be the first 7 hours of work performed in any 24-hour period) shall be as follows:

Class of work	Basic rates per day	
	Farms other than interior farms	Interior farms ¹
A. All kinds of work not classified below	\$1.50	\$1.40
B. Operators of mechanical equipment, such as tractors, trucks, tractor plows	2.35	2.20
<i>Classified Nonharvest Operations</i>		
C. Cartmen in cultivation work	1.60	1.50
D. Plow steersmen and operators of irrigation pumps, and all work connected with mixing and applying chemical weed killers	1.80	1.65
E. Ditch diggers, ditch cleaners, field flooders (per 7-hour day) ²	1.80	1.65
<i>Classified Harvest Operations</i>		
F. Cartmen in harvest work	2.00	1.80
G. Sugarcane cutters (for grinding or planting), seed cutters, crane operators, dumpers	1.80	1.65
H. Portable track handlers, railroad or portable track car loaders	2.00	2.00
I. Cane cart or truck loaders	1.90	1.80

¹ Interior farms shall be deemed to be those farms which were classified as interior farms for the calendar year 1949.

² Field flooders shall be deemed to be workers who set up or remove banks in drainage ditches when used for flooding sugarcane fields.

(b) Wage increases. For each 10 cents or fraction thereof that the price of raw sugar (duty paid basis, delivered) averages more than \$3.80 per one hundred pounds but not more than \$7.00 per one hundred pounds for the two-week period immediately preceding the two-week period during which the work is performed, a wage increase of 4.5 cents per day above the rate prescribed under subdivision (a) of this subparagraph shall be paid for each day of work during such two-week period: *Provided*, That the average price of raw sugar prevailing during the period from December 8 through December 21, 1949, shall determine the amount of wage increase effective during the work period January 1 through January 4, 1950, and thereafter the amount of wage increases in successive two-week work periods shall be determined by the average price of raw sugar prevailing in the immediately pre-

ceding two-week period. The two-week average price of raw sugar (duty paid basis, delivered) shall be determined by taking the simple average of the daily quotations of 96° raw sugar of the New York Coffee and Sugar Exchange (Domestic Contract) converted to one hundred pounds and adjusted to a duty paid basis, delivered, by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, except that, if the Director of the Sugar Branch determines that for any two-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination.

(ii) *Hourly rates.* Where persons are employed on an hourly basis for a period not in excess of 8 hours (7 hours in Class E) in any 24-hour period, the hourly rate shall be determined by dividing the applicable day rate provided in subdivision (i) of this subparagraph by 8 (by 7 in Class E).

(iii) *Overtime.* Persons employed for more than 8 hours (or 7 hours under Class E) in any 24-hour period shall be paid for the overtime work at a rate double the applicable hourly rate provided in subdivision (ii) of this subparagraph.

(iv) *Piecework rates.* If work is performed on a piecework basis, the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable daily or hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer without charge the perquisites customarily furnished by him such as a dwelling, garden plot, pasture lot, and medical services.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Caribbean Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as it deems necessary, shall notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25,

D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1950. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination," identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in San Juan, Puerto Rico, on September 22, 1949, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1950. In addition, investigations have been made of the conditions affecting wage rates in Puerto Rico. In this determination consideration has been given to testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates for Puerto Rico have been issued each year since 1938. The first wage determination increased wage rates over those that had prevailed during 1937 and immediately preceding years. The relationship of wages to income of producers was generally maintained, however, in the same ratio as had existed theretofore in the collective bargaining agreements negotiated between producers and laborers. In the 1938 wage determination the basic wage rate for the least skilled workers was \$1.00 per 8-hour day. This basic wage rate was increased to \$1.30 in 1942 and \$1.50 in 1943. Commensurate increases were made in the rates for workers of higher skills during those years and in 1944. Subsequent to 1944 basic wage rates have remained unchanged.

In 1940, when increases in raw sugar prices were anticipated, there was incorporated in the wage determination a provision for wage increases over and

above basic wage rates when the price of raw sugar exceeded a stated price. While details of the wage increment plan have been changed in subsequent years, the wage determinations in all years except for a portion of 1943 have included a wage-price escalator scale. In the 1948 wage determination, the wage escalator scale provided that increases of 4.5 cents per day above the basic day wage rates shall be paid for each 10 cents, or fraction thereof, increase in the two-week average price of raw sugar above \$3.80 per one hundred pounds. This scale was maintained in the 1949 wage determination.

In the 1938 wage determination basic daily wage rates were established for various classes of workers grouped according to relative skills. In subsequent years revisions have been made in the classification and grouping of jobs as a result of changes in production methods. In all years since 1938, a differential in rates has been provided for farms delivering sugarcane to certain mills in the interior region of the island.

(d) *1950 wage determination.* The basic wage rates and the wage-price escalator scale of the wage determination for the calendar year 1950 remain unchanged from those in effect during the calendar year 1949.

The 1950 wage determination contains for the first time a provision setting forth the procedure which a person should follow in filing a wage claim in the event he believes he has not been paid in accordance with this determination. While wage claim procedure has been effective in prior years, its inclusion in this determination will make such information generally available to all producers and laborers.

The continuance of the basic wage rates and wage-price escalator scale of the previous year will maintain in 1950 approximately the same basic wage-income relationship that was established in 1944. In 1949 wage rates increased over the previous year because of the wage-price escalator scale. Despite this, the total cost of producing a ton of sugarcane of the 1948-49 crop was less than the 1947-48 crop due in large part to the large crop, favorable yields, and lower wage rates prevailing during the planting and cultivating season in 1948. The price realized from the sale of raw sugar coupled with the decreased crop costs, resulted in an improvement in net income to producers over the preceding crop even though molasses prices were significantly lower than in 1948. Although there is some evidence of lessened work opportunities for sugarcane workers during certain seasons of the year, particularly in certain job classifications, worker productivity has improved since the immediate post-war period. Living costs in the fall of 1949 tended to stabilize but the general level was considerably below the peak reached in the summer and fall of 1948, thereby indicating an improvement in the workers' "real" wage.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sups., 1131)

Issued this 2d day of December 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-9814; Filed, Dec. 7, 1949;
8:49 a. m.]

[Sugar Determination 868.2]

PART 868—SUGARCANE; VIRGIN ISLANDS
CALENDAR YEAR 1950

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on September 26, 1949, the following determination is hereby issued:

§ 868.2 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1950*—(a) *Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in the Virgin Islands for the calendar year 1950, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination, not less than the following:

(i) *Basic time rates.*

(a) Per day of 8 hours: \$2.00.

(b) Per hour: \$0.25.

(c) For an individual whose productive capacity is impaired by age, or physical or mental deficiency, the wage rate shall be as agreed upon between the producer and laborer, provided such rate is approved by the local supervisor of the office of the Production and Marketing Administration, San Juan, Puerto Rico.

(ii) *Wage increases.* For each 10 cents or fraction thereof that the price of raw sugar (duty paid basis, delivered) averages more than \$6.00 per one hundred pounds for the week immediately preceding the week during which the work is performed, a wage increase of 3.5 cents per day (hourly rate in proportion) above the rates prescribed in subdivision (i) of this subparagraph shall be paid for each day of work during such week's work period: *Provided*, That the average price of raw sugar prevailing during the period December 26, 1949, through January 1, 1950, shall determine the amount of wage increase effective during the work period January 1, 1950, through January 8, 1950, and, thereafter, the amount of wage increase in each successive one week work period shall be determined by the average price of raw sugar prevailing in the immediately preceding week. The weekly average price of raw sugar (duty paid basis, delivered) shall be determined by taking

the simple average of the daily quotations of 96° raw sugar of the New York Coffee and Sugar Exchange (Domestic contract) converted to one hundred pounds and adjusted to a duty paid basis, delivered, by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, except that, if the Director of the Sugar Branch determines that for any weekly period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination.

(iii) *Piecework rates.* If work is performed on a piecework rate basis, the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable daily or hourly rate provided under subdivisions (i) and (ii) of this subparagraph.

(iv) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot and medical services.

(2) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(3) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Director of the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the Area Office. Upon receipt of a wage claim the Director of the Caribbean Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as he deems necessary, shall notify the producer and laborer in writing of his recommendation for settlement of the claim. If the recommendation of the Director of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Director of the Area Office; otherwise, such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1950.

It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among the various sugar producing areas.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on September 26, 1949, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1950. In addition, investigations have been made of the conditions affecting wage rates in the Virgin Islands. In this determination, as in prior determinations, consideration has been given to testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are: (1) Prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor costs to total costs. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates have been issued for the Virgin Islands each year beginning with 1942. During the intervening years the determinations have varied with respect to content and applicability. In general, a basic wage rate per day has been stipulated.

Wage rates per day in 1941 were reported to be 88 cents for nonharvest work and \$1.04 for harvest work. The 1942 determination provided minimum wages of \$1.04 per 8-hour day for nonharvest work and \$1.36 per 8-hour day for harvest work. In 1944 on the recommendation of producers and laborers, a single basic day rate for both harvesting and nonharvesting work was issued. The practice of issuing a single rate has been continued in subsequent determinations. In 1948 the basic time rate per 8-hour day was \$2.00, an increase of approximately 121 percent over 1941 and 84 percent over 1942, the first year of issuance of a wage determination.

In 1946 piecework rates were specified for cutting and loading sugarcane. Piecework rates in all other years have been stated to be those agreed upon between the producer and the laborer provided that average earnings for the time involved on each separate unit of piecework be not less than the basic time rates. In the 1947 and subsequent wage determinations modified wage-price escalator scales were provided. In the 1949 wage determination the escalator provided for wage increases of 3.5 cents per day above the basic day wage rates for each 10 cents, or fraction thereof, increase in the weekly average price of raw

sugar above \$6.00 per one hundred pounds.

(d) 1950 wage determination. The wage determination for the calendar year 1950 continues the same basic wage rates and wage escalator scale which were in effect during the calendar year 1949.

The 1950 wage determination contains a provision setting forth the procedure which a person should follow in filing a wage claim in the event he believes he has not been paid in accordance with this determination. While claim procedure has been effective in prior years, its inclusion in the determination will make such information generally available to all producers and laborers.

An examination of available data shows that the largest producer of sugarcane in the Virgin Islands (the Government-owned Virgin Islands Company) and the employer of the majority of field workers, sustained a substantial loss in sugarcane operations during the fiscal year ended June 30, 1949. The approximate 550 small independent growers realized little, if any, net income. Many of the small growers supplemented their income by employment with the Virgin Islands Company.

Producers and laborers recognize the distressed financial position of the largest producer and the many small growers. While representatives of laborers strongly urged an increase in the basic wage rate, there appears to be no economic basis upon which the recommended increase can be made.

Public Law 149, 81st Congress, approved June 30, 1949, provided for the dissolution of the Virgin Islands Company and the creation of the Virgin Islands Corporation to promote the general welfare of the inhabitants of the Virgin Islands through economic development. Representatives of the Virgin Islands Corporation at the 1949 public hearing revealed plans for placing the sugar operations of the Corporation on a sounder basis, which, if successful should enable the Corporation to reduce losses and thereby be in a better position to promote the economic welfare of the inhabitants. Improvements in sugarcane production will be subject, in part, to the many hazards found in the islands, primarily, the uncertainty of adequate rainfall and low yields of sugarcane. Because of these hazards and limitations on the production of other commodities, the Virgin Islands has customarily been a low income and low wage area.

In recognition of the foregoing factors, it is deemed fair and reasonable to continue the provisions of the 1949 wage determination for the calendar year 1950.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 2d day of December 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-9811; Filed, Dec. 7, 1949; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 195]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 193]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, IOWA, MICHIGAN, OHIO AND SOUTH CAROLINA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 87a, is amended to read as follows:

(87a). [Revoked and decontrolled.]

This decontrols the entire Kewanee, Illinois, Defense-Rental Area.

2. Schedule A, Item 112a, is amended to read as follows:

(112a) [Revoked and decontrolled.]

This decontrols the entire Charles City, Iowa, Defense-Rental Area.

3. In Schedule A, all of Item 151 which relates to Lenawee, Michigan, is deleted, and Item 151 is amended to describe the counties in the Defense-Rental Area as follows:

In Jackson County, the City of Jackson and the Townships of Blackman, Leoni and Summit.

This decontrols all of Lenawee County, Michigan, and Jackson County, Michigan, except the City of Jackson and the Townships of Blackman, Leoni and Summit, all portions of the Jackson, Michigan, Defense-Rental Area.

4. Schedule A, Item 232, is amended to describe the counties in the Defense-Rental Area as follows:

In Allen County, the Townships of American, Bath, Ottawa, Perry and Shawnee.

This decontrols the entire Lima, Ohio, Defense-Rental Area, except the townships listed above.

5. Schedule A, Item 281, is amended to describe the Counties in the Defense-Rental Area as follows:

Spartanburg.

This decontrols the entire Spartanburg, South Carolina, Defense-Rental Area, except the County of Spartanburg, South Carolina.

All decontrols effected by this amendment are based on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; U. S. C. App. 1894 (d))

This amendment shall become effective December 6, 1949.

Issued this 5th day of December 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-9816; Filed, Dec. 7, 1949; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions
Common to Various Taxes

[T. D. 5765]

PART 458—INSPECTION OF RETURNS

SUBPART C—INSPECTION UNDER SPECIAL EXECUTIVE ORDERS

INSPECTION OF CORPORATION INCOME TAX RETURNS BY THE FEDERAL TRADE COMMISSION¹

§ 458.303a *Inspection by Federal Trade Commission of corporation income tax returns.* (a) Pursuant to the provisions of section 55 (a) of the Internal Revenue Code (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55 (a)), and in the interest of the internal management of the Government, corporation income tax returns made for the calendar year 1949 and fiscal years ending in the calendar year 1949 and for any taxable year ending after June 30, 1949, and before July 1, 1950, shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred upon such Commission by the Federal Trade Commission Act of September 26, 1914, 38 Stat. 717. The inspection of such returns herein authorized may be made by any officer or employee of the Federal Trade Commission duly authorized by the Chairman of the Federal Trade Commission to make such inspection. Upon written notice by the Chairman of the Federal Trade Commission to the Secretary of the Treasury, the Secretary and any officer or employee of the Treasury Department, with the approval of the Secretary of the Treasury, may furnish the Federal Trade Commission with any data on such returns or may make the returns available in the office of the Commissioner of Internal Revenue for the taking of such data as the Chairman of the Federal Trade Commission may designate. Any information thus obtained shall be held confidential except to the extent that it shall be published or disclosed in statistical form, provided such publication shall not disclose, directly or indirectly, the name or address of any taxpayer.

(b) This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

Approved: December 6, 1949.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 49-9899; Filed, Dec. 7, 1949; 11:06 a. m.]

¹ See Title 3, Executive Order 10090, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICER'S RESERVE

REVISION AND ADDITION OF REGULATIONS

Pursuant to the authority conferred by secs. 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f), 626 (e), Transfer Order 10, April 27, 1948, (13 F. R. 2428) and cited laws, the following regulations are hereby prescribed.

Sections 861.401 to 861.409 and §§ 861.501 to 861.508 are added to Part 861 which is revised to read as follows:

GENERAL

- Sec.
861.1 Purpose.
861.2 Delegation of authority.
861.3 Composition of the Air Force Reserve.
861.4 Maintenance of proficiency and retention of assignment.
861.5 Transfers.
861.6 Appointment in the Air Force Reserve of ex-Air National Guard officers.
861.7 Maintenance of records.
861.8 Promotion.
861.9 Age-in-grade requirements for the Organized Reserve.
861.10 Active and inactive duty points.
861.11 Active duty.

APPOINTMENT OF LIEUTENANTS IN REGULAR COMPONENT FROM THE U. S. AIR FORCE RESERVE

- 861.101 General.
861.102 Definitions.
861.103 Eligibility.
861.104 Method of application.
861.105 Grade determination.
861.106 Channels of communication.

GENERAL OFFICERS OF THE U. S. AIR FORCE RESERVE

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861.202 Number of Reserve general officers authorized.
861.203 Eligibility.
861.204 Qualifications.
861.205 Promotion to major general.
861.206 Examining boards.
861.207 Examinations.
861.208 Assignment and reassignment.
861.209 Transfers to Honorary Reserve, Honorary Retired List, or Air Force of the United States retired list.

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APPOINTMENT OF OFFICERS IN THE JUDGE ADVOCATE GENERAL'S DEPARTMENT, U. S. AIR FORCE RESERVE

- 861.401 Persons eligible.
861.402 Persons ineligible.
861.403 Requirements.
861.404 Qualifications.
861.405 Waivers of age and professional requirements.
861.406 Application.
861.407 Examining boards and examination.

- Sec.
861.408 Channels of communication.
861.409 Appointment and assignment.

APPOINTMENT OF CHAPLAINS, U. S. AIR FORCE RESERVE

- 861.501 General.
861.502 Persons eligible.
861.503 Persons ineligible.
861.504 Requirements.
861.505 Qualifications.
861.506 Application.
861.507 Channels of communication.
861.508 Selection and appointment.

APPOINTMENT IN AIR FORCE RESERVE WITHOUT PRIOR COMMISSIONED SERVICE

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861.702 Persons eligible.
861.703 Persons ineligible.
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861.705 Application.
861.706 Examining boards and examination.
861.707 Appointment, rejection, and eligibility to reapply.

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861.803 Definitions.
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861.805 Ineligibles.
861.806 Application.
861.807 Examinations.
861.808 Selection.
861.809 Rejection.
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861.811 Enlistments.
861.812 Quarters.
861.813 Relief from duty.
861.814 Disposition of nongraduates.
861.815 Appointments in the Air Force Reserve.

VOLUNTARY CALL TO EXTENDED ACTIVE DUTY

- 861.901 General.
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MOBILIZATION AND TRAINING

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861.1002 Definitions.
861.1003 Mobilization assignments.
861.1004 Mobilization designations.
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INACTIVE DUTY TRAINING PAY AND ALLOWANCES

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861.1102 Definitions.
861.1103 Inactive duty training and pay.
861.1104 Attendance requirements.
861.1105 Corollary program.
861.1106 Administrative function pay.
861.1107 Inactive duty training without pay.
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PILOT TRAINING IN GRADE FOR RESERVE OFFICERS

- 861.1201 General.
861.1202 Requirements.
861.1203 Application.
861.1204 Selection and disposition.

AUTHORITY: §§ 861.1 to 861.1204 issued under sec. 37, 39 Stat. 189 as amended, secs. 3, 4, 62 Stat. 88, 89, sec. 310, 62 Stat. 374; 10 U. S. C. 351-353, 360, 369, 5 U. S. C. Sup. II, 627, 10 U. S. C. Sup. II, 422, 37 U. S. C. Sup. II, 114.

DERIVATION: AFR's 36-5, Aug. 17, 1949; 45-3, Aug. 5, 1949; 45-5, Mar. 16, 1949; 45-5A, May 5, 1949; 45-6, Dec. 21, 1948; 45-10, Mar. 22, 1949; 45-15, Sept. 23, 1949; 45-19, Oct. 5, 1949; 45-22, May 9, 1949; 45-24, Sept. 20, 1949; 45-31, Sept.

22, 1949; 53-2, Sept. 1, 1948; 53-2A, Mar. 21, 1949; 53-2B, May 9, 1949; AFL 51-6, May 3, 1949.

GENERAL

§ 861.1 *Purpose.* Sections 861.1 to 861.11 state the composition of the Air Force Reserve and outline the policies, standards, and procedures for the maintenance of proficiency and the promotion of officers therein below the grade of brigadier general.

§ 861.2 *Delegation of authority.* The Commanding General, Continental Air Command, is hereby delegated the authority to prosecute final action in the administration of the Air Force Reserve involving the following functions:

(a) Process and accept applications for membership in the Air Force Reserve.
(b) Appoint or enlist in the Air Force Reserve to include issuance of Air Force Reserve commissions for all grades except general officer.

(c) Process, select, and assign personnel for recall to active duty.

(d) Process, select, and assign personnel for mobilization assignments.

(e) Determine eligibility for promotion and issue promotion letters for all grades except general officer.

(f) Remove or reduce personnel in Reserve status for cause.

(g) Have custody of and be responsible for the maintenance and administration of all individual personnel records of Air Force Reserve personnel except those on extended active duty. This function includes the related services which will be furnished to public and private agencies and individuals from these records.

(h) Determine eligibility and compute compensation due under current retirement laws.

(i) Transfer Air Force Reserve personnel to and from the Air Force.

(j) Maintain and publish such statistical and personal information as may be required.

(k) Correspond directly with individuals and with civilian, State, and Federal agencies on Air Force Reserve personnel affairs.

(l) Allocate within the fund allocations made to Continental Air Command by Headquarters United States Air Force pay for active and inactive duty training of qualified Air Force Reserve personnel not assigned to other major air commands.

§ 861.3 *Composition of the Air Force Reserve.* The Air Force Reserve consists of the Organized Air Reserve, the Volunteer Air Reserve, the Inactive Air Reserve, and Honorary Air Reserve. The Organized Air Reserve and the Volunteer Air Reserve constitute the active components of the Air Force Reserve. The inactive Air Reserve and the Honorary Air Reserve constitute the inactive portion of the Air Force Reserve.

(a) The Organized Air Reserve is composed of all personnel of the Air Force Reserve who are physically and professionally qualified for active duty, who fulfill the age-in-grade requirements, and who are required for the Corollary, Air Force Reserve Training Center, and Mobilization Assignment Programs of the Air Force Reserve Program.

(1) Personnel of the Organized Air Reserve may earn points for promotion, may be promoted when eligible, and may receive inactive duty training pay.

(2) In the event an officer of the Organized Air Reserve does not maintain the required standards, he will be transferred to the Volunteer Air Reserve, the Inactive Air Reserve, or the Honorary Air Reserve as the case may require, pursuant to the provisions of § 861.5.

(b) The Volunteer Air Reserve consists of personnel of the Air Force Reserve who are physically and professionally qualified for active duty, but for whom no position vacancy exists in the Organized Air Reserve, or who, for personal reasons, do not participate in the Air Force Reserve training program to the extent required for retention in the Organized Air Reserve.

(1) Personnel of the Volunteer Air Reserve may earn points for promotion and may be promoted when eligible.

(2) Qualified personnel in the Volunteer Air Reserve may, providing a vacancy exists, be transferred to the Organized Air Reserve as provided for in § 861.5 (c).

(3) In the event an officer does not maintain the required standards, he will be transferred to either the Inactive Air Reserve or the Honorary Air Reserve, as the case may be, pursuant to the provisions of § 861.5.

(4) Waivers will be granted for those officers residing in foreign countries who, due to their residence outside the Zone of Interior, are unable to accrue sufficient points for retention in the Volunteer Air Reserve. Upon application, these waivers may be granted by the major air command to which the individual is assigned. (See § 861.5 (a) (4).)

(c) The Inactive Air Reserve consists of those officers who, unable or unwilling to participate in the required activities of the Organized Air Reserve or Volunteer Air Reserve, are transferred thereto in accordance with § 861.5 (a), or who are disqualified for such participation because of a lack of professional qualifications.

(1) Commissions of personnel referred to in this paragraph who do not transfer to the Volunteer Air Reserve or request transfer to the Honorary Air Reserve within a period of 5 years' will be terminated.

(2) Waivers will be granted for those officers residing in foreign countries who, due to their residence outside the Zone of Interior, are unable to qualify for the Volunteer Air Reserve. Upon application, these waivers may be granted by the major air command to which the individual is assigned. (See § 861.5 (a) (4).)

(3) Officers in the Inactive Air Reserve are not eligible to accrue points, receive inactive duty training pay, nor are they eligible for promotion.

(4) Officers in the Inactive Air Reserve may, if qualified, be transferred to the Volunteer Air Reserve in accordance with § 861.5 (d). In the event an officer is transferred to the Volunteer Air Reserve and fails to maintain the required standards he will be transferred to the Inactive Air Reserve, and no further transfer to the Volunteer Air Reserve will be authorized.

(d) The Honorary Air Reserve consists of Air Force Reserve personnel whose service has been honorable and who have, prior to reaching the statutory age for retirement, completed 20 years of satisfactory Federal service on active or inactive status or combination thereof in any component or components of the armed services, or who have reached the statutory age for retirement, and who have applied for and received transfer thereto.

(1) Officers of the Honorary Air Reserve are not eligible for promotion, inactive duty training, or accrual of points.

(2) Officers of the Honorary Air Reserve are subject to recall to active duty.

(e) Personnel of the Air Force Reserve will be placed on the Honorary Air Force Retired List who have become permanently physically disqualified for military service not as a result of misconduct or undesirable habits over which they have control.

§ 861.4 Maintenance of proficiency and retention of assignment. (a) Maintenance of proficiency: Professional capability of officers of the Air Force Reserve will be maintained by:

(1) Extended active duty.

(2) Participation in scheduled assemblies or periods of instructions for training.

(3) Attendance at service schools.

(4) Successful completion of Air Force extension courses.

(5) Participation in field training exercises or tours of active duty for training.

(6) Active participation in military training or duty to include flying, administrative duties, duties as members of boards, or participation in other military training or duties.

(b) For retention of assignment to the Organized Air Reserve, individuals must:

(1) Be physically qualified for active duty.

(2) Be professionally qualified.

(3) Be within the maximum age-in-grade limits. (See § 861.9.)

(4) Maintain his proficiency as evidenced by earning an average of at least 35 points annually during any 3-year period. Accordingly, any officer of the Organized Air Reserve who, in any period of any three consecutive years, fails to earn a total of at least 105 points will be considered to have not properly maintained his proficiency. Points will be computed annually, on the anniversary of assignment, by the major air command having jurisdiction.

(c) For retention in the Volunteer Air Reserve, an individual must:

(1) Be physically qualified, or physically qualified with waiver.

(2) Be professionally qualified.

(3) Maintain his proficiency as evidenced by earning an average of at least 15 points annually during any 3-year period. Accordingly, any officer of the Volunteer Air Reserve, who, in any period of any three consecutive years, fails to earn a total of at least 45 points will be considered to have not properly maintained his proficiency. Points will be computed annually on the anniversary of assignment by the major air command having jurisdiction.

(4) Reservists whose civilian occupation is directly allied to the same career field as his Military Occupational Specialty may be excused, by the Chief of Staff, United States Air Force, from the requirement of earning 15 points per year. Notice of all such exceptions will be transmitted to the appropriate numbered air force.

(d) There are no minimum requirements for retention in the Inactive Air Reserve or Honorary Air Reserve.

§ 861.5 Transfers. (a) From the Organized or Volunteer Air Reserve to the Volunteer, Inactive, or Honorary Air Reserve:

(1) An individual may request relief from the Organized Air Reserve or Volunteer Air Reserve and be assigned to, as the case may be, the Volunteer Air Reserve, the Inactive Air Reserve, or, if qualified, to the Honorary Air Reserve.

(2) An individual who fails to maintain the required standards and points (§ 861.4) for retention in either the Organized Air Reserve or the Volunteer Air Reserve, will be notified in writing of his deficiency by, or through, his immediate commanding officer. If the individual so notified fails to request transfer within 30 days, his immediate commanding officer will initiate a recommendation to the major air command concerned for transfer of the individual to the Inactive Air Reserve. Individuals will not be eligible for reassignment to the Organized Air Reserve or Volunteer Air Reserve, as the case may be, for a period of 1 year from the date of transfer therefrom.

(3) Individual requests for transfer under the provisions of this section will be forwarded through the individual's immediate commanding officer to the major air command concerned.

(4) Transfers, except to the Honorary Air Reserve, will be accomplished by issuance of appropriate orders by the commanding generals, Continental Air Command, or appropriate numbered air force.

(5) Requests for transfer to the Honorary Air Reserve will be forwarded through channels to Chief of Staff, United States Air Force, for appropriate action.

(b) From the Inactive Air Reserve to the Honorary Air Reserve:

(1) Officers of the Inactive Air Reserve who are qualified may, at any time, request transfer to the Honorary Air Reserve.

(2) Individuals in the Inactive Air Reserve will be notified in writing, by the major air command having administrative control, prior to termination of their commission pursuant to § 861.3 (c) (1) and will be offered, if eligible, an opportunity to transfer to the Honorary Air Reserve. In the event an individual so notified fails to request transfer within 30 days, the major air command concerned will initiate a request to the Chief of Staff, United States Air Force, for termination of the individual's commission, stating the reasons therefor.

(c) Transfer from the Volunteer Air Reserve to the Organized Air Reserve:

(1) An individual in the Volunteer Air Reserve will be eligible for transfer to the Organized Air Reserve if he has

maintained the required standards for the Volunteer Air Reserve. (See § 861.4 (c).)

(2) For assignment purposes, when a position vacancy occurs within an Air Force Reserve Table of Organization and Equipment or Table of Distribution unit, or in a mobilization assignment, all qualified officers of that grade in the Volunteer Air Reserve who are available locally, who have requested transfer, and who are qualified to fill the vacancy, will be considered.

(3) Individuals desiring consideration for such transfer must apply in writing to the major air command concerned.

(4) When a vacancy occurs in the Organized Air Reserve, the major air command to which the position is assigned will select the best qualified officer of the proper rank who has applied for such transfer. If the individual selected is assigned to that command, the command of assignment will issue the appropriate orders. If the individual is assigned to another major air command, that command will request issuance of orders from the major air command to which the individual is then assigned. Major air commands will insure that an individual so selected will not be precluded from participation in the required activities of the Organized Air Reserve by virtue of his residence.

(d) From the Inactive Air Reserve to the Volunteer Air Reserve:

(1) Individuals in the Inactive Air Reserve may be transferred to the Volunteer Air Reserve upon application in writing to the major air command concerned. The major air command will issue the appropriate order effecting such transfer. The Chief of Staff, United States Air Force, will be notified of such transfer.

(2) Individuals in the Inactive Air Reserve are not eligible for transfer to the Organized Air Reserve.

(e) Transfers from the Honorary Air Reserve are not authorized.

§ 861.6 *Appointment in the Air Force Reserve of ex-Air National Guard officers.* (a) Upon termination of Air National Guard status, officers may, at their own request, be commissioned in the Air Force Reserve and may be assigned, if a vacancy exists, to the Organized Reserve, Volunteer Reserve, or Honorary Air Reserve in any grade for which qualified.

(b) An officer of the Air National Guard whose appointment is withdrawn because of failure to maintain the standards established for retention of appointment in the Air National Guard may apply for a commission in the Air Force Reserve in any grade in which qualified and, if so commissioned, will be assigned to the Volunteer Air Reserve, Inactive Air Reserve, or Honorary Air Reserve as appropriate. The individual who has been assigned to the Volunteer Air Reserve will not be eligible for transfer to the Organized Air Reserve for a period of 1 year. Officers of the Air National Guard whose appointment has been withdrawn for dishonorable reasons or for cause, are not eligible for appointment in the Air Force Reserve.

§ 861.7 *Maintenance of records.* Field personnel records and field 201 files for Reservists not on extended active duty will be maintained at the headquarters of assignment. The master personnel record and 201 file for Reservists not on extended active duty will be maintained, without exception, at the headquarters of the numbered air force having jurisdiction over the area in which the officer has designated as his permanent residence.

§ 861.8 *Promotion — (a) Eligibility.* The following individuals are eligible for promotion under the provisions of §§ 861.1 to 861.11:

(1) Air Force Reserve officers not on extended active duty who are members of the Organized Air Reserve or Volunteer Air Reserve and who meet the required standards as established herein.

(2) Air Force Reserve officers on extended active duty as provided herein.

(b) *Basis of promotion.* (1) Grade authorizations within the Air Force Reserve are based on the procurement objective for mobilization as announced from time to time by the Department of the Air Force and are applicable only to the Organized Air Reserve. Promotions of Air Force Reserve officers in the Organized Air Reserve will be made to fill available positions within that authorization.

(2) Promotion of officers assigned to the Volunteer Air Reserve will be made without reference to grade structure or vacancies except that the ratio of officers in grades above captain to those below that grade will not exceed the ratio of authorized allocations and positions above the grade of captain in the Organized Air Reserve to those below that grade in the Organized Air Reserve.

(c) *Authority to promote.* Promotion in the Air Force Reserve will be by direction of the President and will be announced in the name of the Chief of Staff, United States Air Force, by the commanding general of the appropriate numbered air force.

(d) *Requirements for promotion.* (1) Officers of the Air Force Reserve may be promoted to the next higher grade (not above the grade of colonel) when the requirements of §§ 861.1 to 861.11 are met. No promotions to colonel for women in the Air Force are authorized except that a director of the Women in the Air Force, if qualified, may be appointed in the Air Force Reserve in the grade of colonel upon relief from active duty, if not holding a Regular Air Force appointment or retired as a Regular Air Force officer.

(2) Promotions of officers assigned to the Organized Air Reserve will be made to fill existing vacancies in Table of Organization and Equipment and Table of Distribution units and to fill existing vacancies occurring within the authorized allocations for Organized Air Reserve officers not assigned to such units as issued from time to time in appropriate Air Force instructions to various commands exercising jurisdiction over members of the Air Force Reserve.

(3) No officer assigned to the Organized Air Reserve will be recommended for promotion unless a position vacancy

exists within the command having assignment authority.

(4) A position vacancy will not be required for promotion from second lieutenant to first lieutenant.

(e) *Promotion procedure.* For Air Force Reserve officers, promotions will be accomplished by selective procedures to secure the best qualified among those officers available to fill these vacancies. These procedures will be as follows:

(1) The major air command concerned will appoint or convene a sufficient number of boards of officers to be known as Air Force Reserve selection boards, which will convene at such time and in such locations as may be required. The purpose of these boards is to select from a list the best qualified officers for promotion in the Air Force Reserve to fill authorized vacancies as determined by the appropriate major air command and as forwarded to each board. The appointing and convening authority may be delegated down to, but not lower than, a command normally commanded by a general officer.

(2) These boards will be composed of an uneven number of officers, not less than three, senior to the individuals to be considered for promotion. Officers of any component on extended active duty and Air Force Reserve officers not on extended active duty are eligible for membership on these boards. At least one member will be a Reserve officer and the entire board may be composed of Reserve officers. At least one officer will be a rated officer for boards considering rated officers for promotion. Prior consent of Reserve officers not on extended active duty must be obtained by the convening authority. Reserve officers will not be ordered to active duty for this purpose.

(3) Individuals will be recommended for promotion by their immediate commanding officers, through channels, to the major air command concerned. For this purpose, the commanding general of the Air Force command which is the repository of the individual's basic personnel records will be considered the immediate commanding officer of the Air Force Reserve officers assigned to the Volunteer Air Reserve. Major air commands will refer all such recommendations to their Air Force Reserve selection boards. These boards will consider officers in order of seniority and will take into full consideration the general and professional qualifications of the officers concerned in selecting the best qualified.

(f) *Promotion of Air Force Reserve officers who are serving on extended active duty in the Air Force.* (1) Officers of the Air Force Reserve on extended active duty in the Air Force will be eligible for promotion to the next higher grade above that in which currently serving (not above colonel) on extended active duty. Promotions under these provisions while on extended active duty, will not effect any change of current grade or status in which an individual is serving in the Air Force.

(2) Reserve officers on extended active duty who have completed at least one year in the current period of extended

active duty, whose manner of performance rating is acceptable, and who have fulfilled the minimum periods of service in grade as prescribed in paragraph (g) (6) of this section will be considered eligible for promotion to the next higher grade above that grade in which he currently is serving. Promotion under the provisions of this paragraph will not be charged against the authorization established for the Organized Air Reserve.

(3) Airmen of the Air Force who hold a commission in the Air Force Reserve, will, after 3 years of satisfactory service in such status, be considered to have earned, for purposes of maintenance of proficiency and promotion, one-half the number of points required for promotion to the next higher grade than that held in the Air Force Reserve. Such points will be in addition to those that may be gained under § 861.10 (b). Promotion of airmen in their Air Reserve officer rank will be in accordance with the provisions of §§ 861.1 to 861.11 and will be the responsibility of the Regular Air Force unit or installation to which assigned. Only one such promotion, in accordance with the provisions of this paragraph, may be made.

(4) The immediate commanding officer of an Air Force Reserve officer on extended active duty may, at any time after the officer has fulfilled the minimum requirements, submit through channels to the Chief of Staff, United States Air Force, a recommendation for promotion. The recommendation will include an evaluation of all pertinent facts such as current Air Force of the United States grade, highest grade attained in the Army of the United States and Air Force of the United States, and duties of various past and present positions.

(g) *Points required for promotions.*

(1) For promotion to first lieutenant, 70 points while in the grade of second lieutenant.

(2) For promotion to captain, 105 points while in the grade of first lieutenant.

(3) For promotion to major, 175 points while in the grade of captain.

(4) For promotion to lieutenant colonel, 105 points while in the grade of major.

(5) For promotion to colonel, 140 points while in the grade of lieutenant colonel.

(6) The minimum periods of service-in-grade for promotion are as follows:

	Years
Second lieutenant to first lieutenant.....	2
First lieutenant to captain.....	3
Captain to major.....	5
Major to lieutenant colonel.....	3
Lieutenant colonel to colonel.....	4

(7) Points or credits earned by an individual prior to issuance of §§ 861.1 to 861.11 will be accredited by competent authority for the purpose of this directive, provided they are converted to conform to the system of points established in § 861.10 (b).

(8) Officers who have served time-in-grade on active duty since September 16, 1940, will be awarded one point for each day served on active duty in the grade held immediately preceding relief from active duty.

(9) Gratuitous points granted under Public Law 810, 80th Congress (62 Stat. 1081; 10 U. S. C., Sup. II, 1036), will not be counted for the purpose of §§ 861.1 to 861.11.

(h) *Date of rank.* For purposes of determining seniority, the date of rank of an officer will be computed as follows:

(1) In the event an officer has no prior service-in-grade to which appointed, in a higher grade, or in an equivalent grade in another branch of the United States Armed Forces, his date of rank will be the date on which he accepted the appointment.

(2) If an officer has, prior to his current appointment, completed active commissioned service in that grade, in a higher grade, or in an equivalent grade in another arm or service, his date of rank will precede that on which he is appointed by a period equal to the total length of service previously completed in that grade, a higher grade, or an equivalent grade in another branch of the United States Armed Forces.

§ 861.9 *Age-in-grade requirements for the Organized Reserve.* (a) The maximum age-in-grade for officers of the Organized Reserve is as follows:

	Lieutenant	Captain	Major	Lieutenant colonel	Colonel
Effective Jan. 1, 1951, for rated personnel assigned to tactical flying units and tactical headquarters below wing level.....	32	37	42	45	49
Interim period for above.....	36	41	44	47	49
Other officers assigned to Table of Organization and Equipment units and all others in the Organized Air Reserve.....	36	42	48	55	60

(b) There are no age-in-grade requirements for personnel of the Volunteer Air Reserve excepting the maximum age of 60.

(c) An officer who has reached the maximum age-in-grade for tactical flying units and headquarters below wing level may be given an assignment to a command or staff position within the available vacancies in other type units or headquarters, or may be given an appropriate mobilization assignment.

(d) Waivers on the maximum age-in-grade provisions, effective for not more than 1 year or until an officer is qualified and is considered for promotion by a board, whichever shall come first, may be granted by the major air command concerned upon application thereto in the following cases:

(1) Individuals of the Organized Air Reserve who reach the maximum age-in-grade for the grade held and who are qualified for promotion but who, due to lack of position vacancy, have not been considered for promotion by a board, and

(2) Officers who, upon attaining the maximum age-in-grade, require less than 1 year in grade to complete the minimum service in grade provisions.

§ 861.10 *Active and inactive duty points—(a) Definitions.* The following definitions are applicable in the interpretation of the table of active and inactive duty points as set forth in paragraph (b) of this section:

(1) *Training period.* A duly authorized period of instruction performed by an individual with a mobilization assignment. Such training period shall be of at least 2 hours in duration and normally will be 4 hours in duration.

(2) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by United States Air Force Reserve or Air National Guard Table of Organization and Equipment or Table of Distribution units. Such unit training assemblies shall be of at least 2 hours in duration and normally will be 4 hours in duration.

(3) *Period of equivalent training or instruction.* Attendance at, or participation in, any one of the following activities

for a continuous period of not less than 2 hours and normally of 4 hours:

(i) Supervised training on an inactive duty status with units or agencies of the regular military establishment, when such training is specifically authorized by competent authority and when the character of the training is such as to result in increase in the military proficiency of the individual or individuals concerned, and when satisfactory participation is certified by the commanding officer of the regular unit or agency concerned.

(ii) Training on inactive duty status with units of the Army, Navy, Marine Corps, or Coast Guard Reserve under the conditions specified in subdivision (i) of this subparagraph.

(iii) Flight training performed by rated personnel, when such flight training is pursuant to completion of approved and published minimum maintenance of proficiency requirements for the reserve forces category to which an individual is assigned, provided that such training is not conducted as part of any other point gaining activity specified herein.

(iv) Attendance at training assemblies of military personnel, other than unit training assemblies, when such training assemblies are pursuant to an approved course of training or are specifically authorized by competent authority.

(4) *Period of equivalent duty or appropriate duties.* Accomplishment of any one of the following duties for a continuous period of not less than 2 hours and normally of 4 hours.

(i) Duties performed under the jurisdiction of the Office of Selective Service Records when such duty is approved by competent authority, and it is certified by the Director of the Office of Selective Service Records or by his proper authorized military representative that the performance of such duty was satisfactory.

(ii) Duty relating to procurement planning and industrial mobilization when certified as satisfactorily performed by the commander of the appropriate major air command, Chief of Air Staff, Joint Staff, or National Military Establishment agency, or the Chief of Supply Arm or Service, under whose jurisdiction the work is performed.

(iii) Recruiting duty when such activity is authorized by competent military authority and participation is certified as satisfactory by an authorized military representative of the recruiting service.

(iv) Duty in connection with the planning, supervision of training, administration and supply of the reserve forces when such duty is authorized by competent authority and satisfactory accomplishment thereof is certified by the officer under whose jurisdiction such duty was performed, and, under similar conditions, such other duties as may be authorized from time to time by the Department of the Air Force.

(5) *Competent authority.* Chief of Staff, United States Air Force, and the commanding generals of major air commands. This authority may be redelegated to subordinate commanders.

(b) *Table of active and inactive duty points.* (1) One point for attendance at an authorized unit training assembly.

(2) One point for each day of active duty, including extended active duty and active duty training.

(3) One point for accomplishment of an authorized training period.

(4) One point for participation in a period of equivalent training or instruction.

(5) One point for accomplishment of a period of equivalent duty or appropriate duties.

(6) One point for each 3 hours of extension courses, above precommissioning and indoctrination course level, satisfactorily completed.

(7) One point for each 4 hours of flying time performed by rated personnel and recorded on the individual's Air Force Form 5, when such flying time is accomplished pursuant to completion of approved and published minimum maintenance of proficiency requirements for the reserve forces category to which the individual is assigned. Flying time credited as a point gaining activity for the purpose of §§ 861.1 to 861.11 need not be accomplished in a continuous period or within any specified period of time.

(8) One point for duty as instructor at:

(i) Authorized unit training assemblies.

(ii) Authorized unit schools.

(iii) Authorized assemblies of military personnel, other than unit training assemblies.

(iv) Air Force Reserve Officers' Training Corps, Army Reserve Officers' Training Corps, or Naval Reserve Officers' Training Corps classes.

(v) Civil Air Patrol or Air Scouts of the Boy Scouts of America assemblies pursuant to an authorized course of instruction, when such duty is ordered by competent authority.

(9) One point for preparation of each hour of instruction, but not to exceed two points for preparation of any one instruction period. If the subject is presented more than once, additional points will not be credited for subsequent preparation.

(10) Not more than one point will be credited to an individual for participation in, or accomplishment of, within any one calendar day, any of the above point gaining activities, unless the total

or aggregate duration of such participation or accomplishment is at least 8 hours. For the purpose of complying with this provision, points earned in accordance with subparagraphs (6) and (9) of this paragraph, will be credited on days other than those on which credit is given for other types of point gaining activity.

(11) Points may be earned for retention and promotion purposes pursuant to the foregoing, whether or not the individuals are in a pay status.

(12) Reserve personnel of other services attached for duty with the reserve forces of the Air Force will be governed by appropriate regulations of their respective services.

(13) Individuals will not be credited for instructional duty accomplished at an assembly for which he is being credited with attendance. This restriction will not affect credit for preparation.

(14) Nothing within §§ 861.1 to 861.11 shall be interpreted to permit simultaneous participation in more than one activity for point gaining purposes. For example: If points are being credited for attendance at a unit training assembly, no points will be credited for flying time in connection with such assembly.

§ 861.11 *Active duty.* Officers who enter on extended active duty lose their Air Force Reserve Table of Organization and Equipment, Table of Distribution, or mobilization assignment, upon accepting such extended active duty assignment. Upon completion of extended active duty, Air Force Reserve officers will be given an opportunity for reassignment in the grade for which qualified and for which a vacancy exists in the Organized Air Reserve.

APPOINTMENT OF LIEUTENANTS IN REGULAR COMPONENT FROM THE U. S. AIR FORCE RESERVE

§ 861.101 *General.* Commissioned officers of the Reserve Forces of the United States on extended active duty, and who otherwise qualify as prescribed in §§ 861.101 to 861.106, may apply, or re-apply for appointment in the United States Air Force. No person may apply more than three times subsequent to June 16, 1948, under the provisions of §§ 861.101 to 861.106. Each applicant will be processed through an Air Force screening center after completion of a minimum of six months of active commissioned Federal service with the Air Force in current tour of extended active duty. This screening will normally be accomplished during November and December.

§ 861.102 *Definitions.*—(a) *Reapplicant.* An applicant for appointment who has previously been screened (completed a biographical information blank and appeared before an interview board) in connection with an application submitted under the provisions of §§ 861.101 to 861.106.

(b) *New applicant.* Any applicant under the provisions of §§ 861.101 to 861.106 other than a reapplicant.

(c) *Immediate superior.* That officer responsible for preparation of an applicant's effectiveness reports in compliance with current regulations.

(d) *Air Force commander.* The commanding general of a geographic air force of the Continental Air Command, or the senior Air Force commander in an overseas command, in which an applicant is assigned for duty.

§ 861.103 *Eligibility.* No person will be appointed in the Regular component of the United States Air Force until he has attained his twenty-first birthday. To be eligible to apply for appointment in the United States Air Force, under the provisions of §§ 861.101 to 861.106, an applicant must:

(a) Have completed a minimum of 12 months of active Federal commissioned service in any component of the Armed Forces of the United States as of date of application.

(b) Be on extended active duty as a commissioned officer of any component of the Air Force of the United States (other than chaplains and members of the Medical Service, or, may be on extended active duty as a commissioned officer of any component of the Army of the United States (other than chaplains and members of the Medical Department), provided he is assigned to duty with the Air Force (Special Category Army Military Personnel with Air Force).

(c) Be on extended active duty at time of screening.

(d) Be a citizen of the United States and of good moral character.

(e) Meet one of the following age requirements:

(1) An applicant who served in any of the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, and Coast Guard—all components) prior to September 2, 1945, may apply, provided he has not passed his thirtieth birthday as of July 1 of the year in which application is submitted.

(2) An applicant who was not a member of any of the Armed Forces of the United States prior to September 2, 1945, may apply, provided the period of time from his date of birth to date of appointment in the Regular component will not exceed 27 years by more years, months, and days than he has performed active Federal commissioned service since December 31, 1947, in any component of the Air Force or Army of the United States but not by more than 5 years.

(f) Not be nor have been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating subversive policy, or seeking to alter the form of government of the United States by unconstitutional means.

(g) Have successfully completed 60 semester hours or 90 quarter hours of formal education leading toward a baccalaureate degree, or, have successfully completed the Educational Qualification Test, 2CX as of date of application.

§ 861.104 *Method of application.*—(a) *New applicant.* (1) A new applicant may apply at any time he qualifies under the provisions of § 861.103. The new applicant will submit a complete formal application to his immediate superior on Air Force Form 17, Application for Commission in the United States Air Force, in duplicate. Each applicant must submit

a loyalty statement in accordance with the provisions of current directives.

(2) The applicant will attach to his application an official transcript of the required college or university credits or, the original or a photostat of the certificate of satisfactory completion of Educational Qualification Test, 2CX. (This test may be taken from the local airman information and education officer.)

(3) Applicants will advise the Director of Military Personnel, Headquarters United States Air Force, Attention: Officer Procurement Branch, Personnel Procurement Division, Washington 25, D. C., in writing, of any permanent or temporary change of station in excess of 30 days between date of submission of application and date of appointment or notification of rejection. (Failure to accomplish this notification may result in the applicants not being screened.)

(4) Each applicant will present himself for screening at the scheduled time and place.

(b) *Reapplicant.* (1) A reapplicant may apply after 1 year has elapsed since the date of previous application, provided he is otherwise qualified under the provisions of § 861.103. The reapplicant will plainly mark his application, Air Force Form 17, Application for Commission in the United States Air Force with the word "Reapplicant" at top of page 1, on both copies.

(2) Each reapplicant will comply with the provisions of subparagraph (1) of paragraph (a) of this section, except that in item 12 of section II of his application, there will be listed only the names of superior officers under whom he has served since date of last application under the provisions of §§ 861.101 to 861.106.

(3) Each reapplicant will comply with subparagraph (2) of paragraph (a) of this section, unless one of the two documents required by subparagraph (2) of paragraph (a) of this section was attached to a previous application, under the provisions of §§ 861.101 to 861.106.

(4) Reapplicant will comply with subparagraphs (3) and (4) of paragraph (a) of this section. Reapplicants will be reprocessed through Air Force screening centers.

(c) *Application deadline.* Applicants who submit their applications to reach Headquarters United States Air Force on or before October 15 of a given year will be processed during the screening period of November and December of that year. Applicants who submit their applications to reach Headquarters United States Air Force after October 15 will be processed during the screening period of November and December of the following year.

§ 861.105 *Grade determination.* All persons appointed in the Regular component under the provisions of §§ 861.101 to 861.106 prior to January 1, 1951, will be appointed in the permanent grade of second lieutenant. After January 1, 1951, any person appointed under the provisions of §§ 861.101 to 861.106 who, on date of appointment, has completed a minimum of 3 years of active Federal commissioned service in any component

of the Air Force or Army of the United States since December 31, 1947, and after reaching his twenty-first birthday will be appointed in the permanent grade of first lieutenant. All other persons appointed after January 1, 1951, will be appointed in the permanent grade of second lieutenant.

§ 861.106 *Channels of communication.* In all cases the immediate superior of the applicant will forward the application in duplicate and all allied papers direct to the Director of Military Personnel, Headquarters United States Air Force, Attention: Officer Procurement Branch, Personnel Procurement Division, Washington 25, D. C., not later than 5 days after receipt. After receipt of applications from the immediate superiors, the Director of Military Personnel, Headquarters United States Air Force will initiate action to procure Officer Evaluation Reports for all applicants and on or about October 15th, forward the duplicate application of each reapplicant and of each new applicant who has completed the 6 months of service on current tour to the appropriate Air Force commander. Upon receipt of duplicate applications from Headquarters United States Air Force, the Air Force commander will select the appropriate screening centers and forward the duplicate to the commanders thereof for screening. After receipt of duplicate application from the Air Force commander, the screening center commander will schedule each applicant for screening so that screening will be completed by December 15th and notify the applicant's organization commander in writing of the screening appointment and request that he take action to have orders issued directing the applicant to report for screening at the specified time. Upon written notification by the screening center commander, the applicant's organization commander will notify each applicant of his screening appointment and have orders issued directing each applicant to report at the scheduled time and place for screening. After receipt of completed screening documents and duplicate applications from screening center commanders, the Director of Military Personnel, Headquarters United States Air Force will:

(a) Take necessary action to procure Officer Evaluation Reports from superior officers whose names were added to the applications during screening.

(b) Compute a composite score for each applicant.

(c) Forward applications to the Director, Air Force Personnel Council, Office of the Secretary of the Air Force for consideration.

(d) Tender appointments to selected applicants.

(e) Notify rejected applicants of their nonselection.

GENERAL OFFICERS OF THE U. S. AIR FORCE RESERVE

§ 861.201 *Appointment.* Appointment of general officers will be made in the United States Air Force Reserve under authority contained in section 37 of the National Defense Act, as amended (sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353), for a period of 5 years. Officers

of the United States Air Force (Regular establishment) (active or retired) are not eligible for appointment.

§ 861.202 *Number of Reserve general officers authorized.* The authorized number of Reserve general officers and grades will be based on existing Table of Organization and Equipment positions established by the current United States Air Force Reserve troop basis and an additional number authorized for staff positions. The number of staff positions for Reserve general officers will be established from time to time by the Secretary of the Air Force as required by the needs of the Air Force. General officers of the Honorary Air Reserve will be in excess of the above authorization.

§ 861.203 *Eligibility.* (a) Officers who have served on active duty in the Army of the United States or Air Force of the United States for a period of at least 6 months subsequent to December 7, 1941 (including those now on active duty), and who, during that period, held the grade of general officer, may be recommended for appointment as general officers in the United States Air Force Reserve in the highest grade held satisfactorily during that period, provided they meet the moral, physical, and age requirements. Those who are otherwise qualified, as indicated above, but do not meet the physical or age requirements may apply for appointment in the United States Air Force Honorary Reserve only.

(b) Officers who have served on active duty in the Army of the United States or Air Force of the United States for at least 6 months subsequent to December 7, 1941, and who did not hold the grade of general officer during that period, and who meet the requirements of § 861.204, may, after appearance before a board of officers (see § 861.206), be recommended for appointment as brigadier general in the United States Air Force Reserve to fill existing position vacancies in Reserve units or in Reserve staff positions.

§ 861.204 *Qualifications.* Officers must meet the following qualifications for appointment in the United States Air Force Reserve:

(a) *Age.* At the time of appointment a candidate for the grade of brigadier general or major general must have at least 1 year to serve before he reaches the statutory age prescribed for the retirement of United States Air Force officers of that grade.

(b) *Physical.* Physical requirements for appointment or promotion of general officers will be those prescribed in Army Regulations 40-100 and 40-105.

(c) *Professional.* Satisfactory demonstration of qualifications by actual service on active duty in the Air Force of the United States or Army of the United States for at least 6 months subsequent to December 7, 1941, in the grade and position contemplated or by the satisfactory discharge of duties of corresponding and equal responsibility.

§ 861.205 *Promotion to major general.* Promotion to the grade of major general will be made from among those brigadier generals who have served as briga-

dier generals in the United States Air Force Reserve for at least 1 year.

§ 861.206 *Examining boards*—(a) *Appearance before*. Candidates for appointment as general officers for assignment in the United States Air Force Reserve or for promotion to a higher grade will be examined by a board of officers appointed by the Chief of Staff, United States Air Force, to determine their general fitness. Within the limitations of available funds candidates may be called to active duty for the purpose of appearing before the board.

(b) *Composition of the board*. Examining boards will consist of not less than five Air Force general officers senior to the officer being examined, three of whom, whenever practicable, but at least two, will be members of the United States Air Force Reserve, whether or not on active duty, and two or more United States Air Force officers. In addition, a medical member and a recorder will be appointed who will serve without vote. No officer will serve on two consecutive boards when the second of such boards considers any officer who was examined, but not recommended for promotion by the first board.

(c) *Procedure of board*—(1) *Attendance of candidates*. All candidates for original appointment and promotion are required to appear in person before the examining board.

(2) *Attendance of members*. If sufficient members are not present as specified in paragraph (b) of this section the board will adjourn until a sufficient attendance is secured.

(3) *Challenges*. After the board has been assembled, the candidate will be given an opportunity to challenge any member or members for cause, but the candidate must state the cause on which each challenge is based. The board, exclusive of the challenged member, will determine the validity of the challenge. When a challenge is sustained, if the elimination of the challenged member would reduce the board below the minimum number of members specified in paragraph (b) of this section, the board will suspend proceedings and transmit the record of proceedings to the appointing authority, who may approve the action of the board and replace the challenged member or disapprove the action and direct the board to proceed.

(4) *Testimony*. Any questions that arise during the examination which require the introduction of evidence, the testimony of witnesses will be taken orally, if the witnesses are available immediately. If the witnesses are not available immediately their testimony will be taken by depositions prepared in accordance with the Manual for Courts-Martial. All witnesses will be sworn, the oath being the same as that administered to witnesses in trials by courts-martial. Witnesses examined orally will be sworn by the recorder. The candidate will be given an opportunity to cross-examine witnesses who testify by deposition. The board will insure that each candidate is furnished full opportunity to present any testimony he desires or to refute any testimony given.

§ 861.207 *Examinations*. The board will investigate thoroughly the candidate's professional, moral, and physical qualifications and weigh carefully the evidence as to his suitability for the appointment, promotion, and assignment for which he is being considered. A final-type physical examination will be given. The board will inquire into the moral character of the candidate. He will be questioned carefully and may be required to submit in writing such information as the board may desire. The board is authorized to seek verification of the candidate's statements or additional information from reliable sources. The candidate will be informed of any unfavorable statements of fact relative to his moral character and will be given an opportunity to refute or explain such statements. The professional examination will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may consider necessary. A candidate who has been found disqualified for other than moral reasons may apply for reexamination after a period of 1 year from the prior examination.

§ 861.208 *Assignment and reassignment*. The assignment and reassignment of all United States Air Force Reserve general officers will be made by the Chief of Staff, United States Air Force.

§ 861.209 *Transfers to Honorary Reserve, Honorary Retired List, or Air Force of the United States Retired List*. A United States Air Force Reserve general officer whose service has been honorable will be transferred to the United States Air Force Honorary Reserve, Honorary Retired List, or Air Force of the United States Retired List, when:

(a) *Honorary Reserve*. He has not reached the statutory retirement age prescribed for officers of the United States Air Force or has completed 20 years of service and makes application for such transfer.

(b) *Honorary Retired List*. He has reached statutory retirement age or is found physically disqualified and is not eligible for retirement under Public Law 810, 80th Congress (62 Stat. 1081; 10 U. S. C., Sup. II, 1036).

(c) *Air Force of the United States Retired List*. He has reached the statutory retirement age and has 20 years of service.

APPOINTMENT OF PROFESSIONAL AND TECHNICAL SPECIALISTS, U. S. AIR FORCE RESERVE

§ 861.301 *Persons eligible*. Former personnel of the Armed Forces of the United States, persons without prior military service, and all members of the Air Force of the United States (seeking appointment in a grade higher than that presently held), except Regular commissioned officers of the United States Air Force and U. S. Air Force Reserve or Air National Guard of the United States officers on extended active duty in an Air Force of the United States status, are eligible to apply for appointment in the U. S. Air Force Reserve under the provisions of regulations contained in

§§ 861.301 to 861.308. Officers holding commissions in the Reserve Forces of the Army of the United States, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may not apply for appointment in the U. S. Air Force Reserve or the Air National Guard of the United States under the provisions of regulations contained in §§ 861.301 to 861.308 until they have obtained a conditional resignation from their commissions.

§ 861.302 *Persons ineligible*. (a) *Conscientious objectors*. Persons who are or have been conscientious objectors are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.301 to 861.308.

(b) *Applicants with record of court conviction*. Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation may not apply for appointment under the provisions of regulations contained in §§ 861.301 to 861.308. Applicants for appointment in the U. S. Air Force Reserve may request the Commanding General, Continental Air Command, to grant a waiver in the case of other minor violations which are nonrecurrent and which are not considered prejudicial to performance of duty as an officer. No waivers for convictions involving moral turpitude or a felony will be considered. Any request for waiver under this subparagraph must be submitted by the applicant together with his application through channels as indicated in § 861.305 (d) (2) to the Commanding General, Continental Air Command, Mitchel Air Force Base, N. Y., stating fully the circumstances of the case. Individuals applying for appointment in the Air National Guard of the United States will address their request for waiver to the Chief of Staff, U. S. Air Force, through National Guard channels.

(c) *Female applicants with dependents*. Females who have a dependent or dependents under 18 years of age or a child or children under 18 years of age are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.301 to 861.308. The fact that the applicant does not have legal custody of the child or children will not remove this disqualification. Appointment in the Air National Guard of the United States is limited to male personnel.

§ 861.303 *Requirements*—(a) *Citizenship*. All applicants must be citizens of the United States. Applicants who are not citizens of the United States by birth must furnish evidence of citizenship. In the case of United States citizenship by naturalization, a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information will be satisfactory evidence:

"I certify that I have this date seen the original Certificate of Citizenship Number _____ (or certified copy of the court order establishing citizenship) stating that _____ was admitted (Full name) to United States citizenship by the Court of _____ on _____ (County) (State) (Date)

The following was named in the certificate as a minor child: -----
age -----

Under no circumstances will facsimiles or copies, photographic or otherwise, be made of naturalization certificates.

(b) *Age.* (1) All applicants must have passed their twenty-first birthday and on the date of appointment must not have reached the birth date indicated below for the grade for which applying.

Second lieutenant.....	28
First lieutenant.....	33
Captain.....	37
Major.....	45
Lieutenant colonel.....	51
Colonel.....	56

NOTE: Appointment of colonels is restricted by law to male individuals.

(2) Waivers for the maximum age requirement for second lieutenant may be granted until July 1, 1953. For this interim period an applicant applying for an appointment as second lieutenant who served in the Armed Forces of the United States prior to September 2, 1945, and who will not exceed the thirtieth anniversary of his birth on July 1st of the calendar year in which he submits his application, may request a waiver of the maximum age requirement above. Requests for age waiver will be attached to the application. The Commanding General, Continental Air Command, is authorized to grant age waivers to otherwise qualified applicants applying for appointment in the U. S. Air Force Reserve and may delegate this authority to subordinate commanders not below Air Force level as he may desire. Requests for waiver from applicants applying for appointment in the Air National Guard of the United States will be processed by the Chief of Staff, U. S. Air Force.

(c) *Physical requirements.* All applicants must be physically qualified for general service or general service with waiver.

(d) *Moral requirements.* All applicants must possess normal moral character and personal qualifications.

§ 861.304 *Qualifications.*—(a) *For appointment in the U. S. Air Force Reserve.* Individuals possessing the following professional and technical qualifications and otherwise qualified may apply for appointment in the U. S. Air Force Reserve:

(1) *Production inspection officer.* Applicant must possess a college degree in the field of mechanical, electrical, or chemical engineering with a minimum of 2 years' civilian experience in industrial design production.

(2) *Photographic equipment engineer.* Applicant must possess a college degree in engineering with a minimum of 3 years' experience in the design, manufacture, or repair of cameras, or in the manufacture of optical instruments. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in responsible positions at the rate of 1 year of experience for one semester of college education.

(3) *Comptroller specialist.* Applicant must possess a bachelor degree from an accredited college or university with a

major in at least one of the following fields of business administration and supplemented by a minimum of 1 year's practical operating experience therein. A master degree with a major in one of the specified fields may be substituted for the 1 year of practical experience. In exceptional cases, individuals who have completed 2 years of college may substitute practical business experience in progressively responsible positions at the rate of 1 year of experience for one semester of college education.

(i) Analytical (administrative, management, statistical, budget, cost, financial, market, etc.).

(ii) Accounting and/or auditing.

(iii) Statistics (general).

(4) *Intelligence production specialists.* Applicant possessing one of the following requirements is eligible to apply:

(i) A Ph. D. degree.

(ii) A master degree in one of the following fields:

Engineering.	History.
Architecture.	Psychology.
Electronics.	Geophysics.
Political science.	Geopolitics.
Economics.	Chemistry.
Forestry.	Botany.
Geography.	Modern languages.
Library science.	Sociology.
Education.	Journalism.

(iii) A baccalaureate degree with a major in one of the following fields:

Engineering.	Architecture.
Law.	Geography.
Geology.	Photogrammetry.
Electronics.	Education.

(iv) Fifty percent of the credits required for attainment of a baccalaureate degree in addition to an idiomatic oral and written knowledge of the language, and knowledge of the physical characteristics, customs, and habits of one or more foreign countries.

(v) Fifty percent of the credits required for attainment of a baccalaureate degree in addition to a thorough knowledge of the culture, economy, industry, transportation, political institutions, or agriculture of one or more foreign countries.

(vi) Fifty percent of the credits towards an engineering degree in addition to a thorough knowledge of, and experience in, at least one type of major industrial or aeronautical field.

(vii) Successful qualifying experience in the various fields of air intelligence indicating the ability to perform the duties of an air intelligence officer specialist. The fields of intelligence in which successful experience would be qualifying are: Order of battle research; target research and analysis; photo or radar scope interpretation; prisoner-of-war interrogation; communication and electronics.

(5) *Design and development officer.* Applicant must possess a college degree within one of the following or associated fields, with civilian experience to demonstrate that he has acquired a thorough knowledge of the physical and mathematical sciences underlying that field. A minimum of 1 year's experience is required, and the applicant must be working in the field for which applying at the time of application.

Aeronautical engineer.
Jet, ramjet, rockets.
Rotary wing.
Compressibility.
Guided missiles.
Wind tunnel testing.
Airplane design.
Electronics.
Geophysics.
Engineering.
Servo mechanisms and instrumentation.
Heat transfer.
Fluid mechanics.
Theory of probability.
Nuclear physics.
Propulsion and thermodynamics.
Metallurgy.
Advance dynamics.
Basic physical sciences.

(6) *Production management specialist.* Applicant must possess a college degree in industrial or other appropriate field of engineering with a minimum executive experience of 3 years in manufacturing, commercial enterprise, or industrial management.

(7) *Special investigations officer.* Applicant must possess a degree from an accredited college or university supplemented by a minimum of 2 years' qualifying progressive experience in recognized investigative fields. The fields of investigation are: Experience in military or Federal, State, or municipal investigative agency conducting law enforcement type investigations; experience in military or a civilian intelligence agency; experience in accounting and bankruptcy investigation. Applicants with degrees in law or accounting preferred. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in investigation fields listed above, at the rate of 1 year of experience for one semester of college education.

(8) *Special investigations technical officer.* Applicant must possess at least a bachelor degree in the engineering or physical science field and a minimum of 2 years' experience in any one of the fields listed below. For appointment to grades higher than first lieutenant, applicant must possess successful qualifying experience in technical phases of investigative work and preferably experience in a recognized scientific crime detection laboratory. Candidates for commissions in this category would include specialists in the following fields:

Fingerprint identification.
Firearms identification.
Investigative photography.
Serology.
Document, handwriting, and related sciences.
Analytical chemistry.
Spectrography.
Microscopy and photomicrography.
Toxicology.
Petrography.
Electrical and sound engineering.

Experience in the above specialties must be in connection with their application to investigative activity.

(9) *Industrial planning specialist.* Applicant must possess a college degree in industrial or other appropriate field of engineering with a minimum of 3 years' experience of a management control and programming nature with industrial concerns or governmental agencies. This experience must demonstrate the appli-

cant's qualifications to recommend basic policies and procedures to implement major industrial programs. Experience in production schedules, manufacturing controls, and estimating manufacturing potential is desirable. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in responsible positions at the rate of 1 year of experience for one semester of college education.

(10) *Industrial specialist.* Applicant must possess a college degree in industrial or other appropriate field of engineering with a minimum of 3 years' experience in the operational phases of industry, such as production engineering, process engineering, metallurgy, manufacturing methods, tools design, etc. The experience must be of a nature to demonstrate a thorough understanding of the technical fields in which the applicant claims specialty and of his ability to deal with the solution of important problems arising in these fields. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in responsible positions at the rate of 1 year of experience for 1 semester of college education.

(11) *Industrial planning economist.* Applicant must possess a college degree with major study in economics or statistics and possess a minimum of 3 years' experience in economic or statistical research with industrial concerns, governmental agencies, private organizations, or educational institutions. The experience must be of a responsible and planning nature in order to indicate the applicant's ability to establish the scope of the economic problem, develop methods for obtaining solutions, and for integrating the results of these studies with parallel work being conducted in industrial fields. Routine statistical and information gathering work are not considered applicable in this field. The work performed in fulfilling the experience requirement must be on a high professional level. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in responsible positions at the rate of 1 year of experience for one semester of college education.

(12) *Human resources research specialist.* Applicant must possess a graduate degree from an accredited college or university in one or more of the following fields: Psychology, education, educational tests and measurements, human engineering, statistics, sociology, economics, psychophysiology, or personnel management, or a bachelor degree in one of these fields plus 3 years of teaching, research, or practical experience. A college degree in related fields other than those listed above may be considered. In exceptional cases, an individual who has completed at least 2 years of college may receive credit for additional college training, provided he has sufficient research experience or practical experience which may be substituted on the basis of 1 year of experience for one semester of college training.

(13) *Topographic, photogrammetry, and cartographic specialists.* Applicant must possess a college degree from a

recognized school in civil engineering, geography, photogrammetric engineering, or related fields with a minimum of 3 years of progressive responsible experience with industry or governmental agencies. Applicant must possess a thorough working knowledge of two phases and a general working knowledge of all the following phases of map or chart production:

(i) Collection and evaluation of basic map information.

(ii) Geodetic field surveying or geodetic computations and adjustments.

(iii) Photogrammetric compiling of topographic maps, aeronautical charts and controller photo mosaics.

(iv) Cartographic compilation and drafting of maps and charts from source of information.

(v) Photolithographic reproduction.

Individuals applying for appointment as topographic, photogrammetry or cartographic specialists who have completed 2 years of college education may substitute practical experience in responsible positions at the rate of 1 year of experience for 1 year of college education. The applicant must currently be employed in one of the above specialties.

(b) *For appointment in the U. S. Air Force Reserve or the Air National Guard of the United States.* Individuals possessing the following professional and technical qualifications and otherwise qualified may apply for appointment in the U. S. Air Force Reserve or the Air National Guard of the United States.

(1) *Weather officer (meteorologist).* Applicant should possess a college degree from an accredited college or university, with at least 20 semester hours in meteorology or be a college graduate with postgraduate training in meteorology or aerological engineering. If an applicant has a minimum of 2 years of college training, practical professional experience in the meteorological field for a minimum of 3 years may be substituted for the above educational requirements.

(2) *Armament officer.* Applicant must possess a college degree within one of the following fields with a minimum of 2 years' experience, and the applicant must be working or teaching in the field for which applying at the time of application. In exceptional cases, individuals who have completed 2 years of college may substitute practical experience in responsible positions at the rate of 1 year of experience for one semester of college education.

Mechanical engineering.
Chemical engineering.
Industrial engineering.
Metallurgical engineering.
Biology.
Physics.

Experience in the above fields must be in any one, or any combination, of the following activities:

(i) Research, testing, and development.

(ii) Inspection of workmanship, materials, and equipment.

(iii) Teaching at college level.

(iv) Administration and management.

(v) Design of plants and equipment.

(vi) Technical sales and service.

(vii) Consulting engineering.

Federal employees possessing 2 years' minimum experience as armament technicians with the Department of Defense may apply for appointment.

(3) *Communications specialists.* Applicant must possess a college degree in electrical, communications, or radio engineering with a minimum of 2 years of progressive responsible experience with industry in the communication and/or electronics field in any one or any combination of the following: The installation, maintenance, and repair of air-borne and/or ground communications equipment involving experience in wire and radio communications, electronics engineering, miscellaneous electrical and/or telecommunications engineering, including telegraphy, telephony, cable, alarm and signal systems, traffic controls and their equipment such as switchboards, dial system, teletypewriters and facsimile transmitters and/or installation, management and operation of radio stations, telephone systems, and navigational aids or systems. The applicant must currently be employed in one of the above specialties.

(c) *For direct appointment in the Reserve Forces.* For direct appointment in the Reserve Forces, applicant must possess the minimum qualifications indicated in the fields listed in paragraphs (a) and (b) of this section. Grades in which appointed will be determined on the basis of technical skill and experience as follows:

(1) A minimum of 3 years' experience in the specialty for which applying for first lieutenant.

(2) A minimum of 7 years' experience in the specialty for which applying for captain.

(3) A minimum of 14 years' experience in the specialty for which applying for major.

(4) A minimum of 19 years' experience in the specialty for which applying for lieutenant colonel.

(5) A minimum of 25 years' experience in the specialty for which applying for colonel.

Possession of a degree of doctor in any of the fields will be considered as equivalent to 3 years of professional experience.

(d) *For appointment as lieutenant colonel and colonel.* For appointment in the grade of lieutenant colonel and colonel, applicant must have held an administrative or supervisory position in the field for which applying for 10 or more years. Applicant will be required to demonstrate that his experience has been of such quality and scope that he possesses competence on a level of responsibility, skill, and knowledge appropriate to the grade for which recommended.

(e) *Outstanding individuals in business, etc.* Outstanding individuals in business, scientific, professional, or technical fields who do not possess the above requirements, and who have demonstrated through their civilian occupations that they are outstanding in their respective fields may be appointed in the U. S. Air Force Reserve upon approval of the Chief of Staff, U. S. Air Force.

§ 861.305 *Application*—(a) *Documents and information required.* The following documents, properly completed, constitute the application and allied papers required for individuals applying for appointment in the U. S. Air Force Reserve. Blank forms may be obtained at any Air Force installation, recruiting station, Air National Guard unit, Air Reserve unit, Reserve training center, or by writing to the Air Force or oversea commander having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the applicable documents listed below will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which will result from the return of incomplete applications. Individuals applying for appointment in the Air National Guard of the United States will submit their application for appointment using the appropriate National Guard Bureau forms as prescribed by National Guard Regulation 20 (32 CFR 1201.1-1201.6), and not as listed below.

(1) AF Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. Plain sheets of paper, attached to the application, may be used for inclusion of additional information for which there is insufficient space on the application form.

(2) Original or photostat copy of honorable discharge certificate, or certificate of service, when applicable.

(3) Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History." (See paragraph (c) of this section.)

(4) WD AGO Form 643A, "Personal History Statement," in triplicate.

(5) Documentary evidence of educational level.

(6) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under the provisions of §§ 861.301 to 861.308.

(7) Individuals employed in a civilian capacity by another office of the Department of Defense will submit written approval of the application by the employing office.

(b) *Submission of application.* Application, and allied papers, for appointment in the U. S. Air Force Reserve will be forwarded as follows:

(1) *Personnel on active duty.* Through channels to the commanding general of the air force having jurisdiction over the Air Force area in which applicant is stationed or, if stationed overseas, to the Commanding General, Far East Air Force; United States Air Forces in Europe; Alaskan Air Command; or Caribbean Air Command; as appropriate.

(2) *Military personnel on duty or civilian personnel employed in areas outside of the continental limits of the United States where the Commander of Military Air Transport Service exercises all normal responsibilities and prerogatives of theater, area, or base commander.* Through channels to the Commander, Military Air Transport Service.

(3) *Personnel on inactive duty; members of the U. S. Air Force Reserve assigned to Reserve activities.* To the com-

manding general of the air force having jurisdiction over the Air Force area in which applicant resides, through the immediate commanding officer of the Reserve activity to which they are assigned.

(4) *All others.* Direct to the commanding general of the air force having jurisdiction over the Air Force area in which applicant resides; or, if applicant resides in a foreign country occupied by the Armed Forces of the United States, to the appropriate oversea commander indicated in subparagraphs (1) and (2) of this paragraph.

(5) *Applications for appointment in the Air National Guard of the United States.* Through National Guard channels. (See National Guard Regulation 20, 32 CFR 1201.1-1201.6.)

(c) *Submission of report of physical examination.* An applicant for appointment will submit a report of the final-type physical examination, less (except when otherwise indicated) serology, chest X-ray, electrocardiogram, audiogram determination, microscopic urinalysis, and lens correction. The report of physical examination will be accomplished within 90 days of application and may be accomplished and signed by a medical officer of any component of the Armed Forces of the United States, whether he is on active duty or inactive duty status. In the absence of such medical officer, the report of physical examination may be accomplished and signed by any reputable doctor of medicine, without expense to the Government. An applicant for appointment who is drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States will be required to undergo a physical examination as indicated in paragraph (a) of this section, regardless of the period of time since latest physical examination.

(d) *Processing applications*—(1) *Appointment in the Air National Guard of the United States.* Applications from individuals applying for appointment in the Air National Guard of the United States will be processed by the appropriate State or Territory adjutant general as prescribed by National Guard Regulation 20 (32 CFR 1201.1-1201.6).

(2) *Appointment in the U. S. Air Force Reserve within continental United States.* The Commanding General, Continental Air Command, is charged with processing of applications from individuals applying for appointment in the U. S. Air Force Reserve within the continental limits of the United States and is authorized to delegate to subordinate commanders not below Air Force level such authority as he may desire. For the information of the applicants the addresses of the appropriate numbered air forces within the continental limits of the United States and the area served by each are as follows:

Address and Area Responsibility

Commanding General, First Air Force, Mitchell Air Force Base, N. Y.—Maine, Vermont, New Hampshire, Massachusetts, New York, New Jersey, Connecticut, and Rhode Island.

Commanding General, Fourth Air Force, Hamilton Air Force Base, Hamilton, Calif.—Arizona, Utah, Idaho, Montana, Nevada, Washington, Oregon and California.

Commanding General, Ninth Air Force, Langley Air Force Base, Va.—Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Ohio, Delaware, and the District of Columbia.

Commanding General, Tenth Air Force, Benjamin Harrison Air Force Base, Fort Benjamin Harrison, Ind.—Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Missouri, and Indiana.

Commanding General Twelfth Air Force, Brooks Air Force Base, Tex.—Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

Commanding General, Fourteenth Air Force, Robins Air Force Base, Ga.—North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, and Florida.

(3) *Appointment in U. S. Air Force Reserve from certain areas outside continental United States.* The following commanders are specifically charged with the processing of applications for appointment in the U. S. Air Force Reserve from applicants who are located in their respective areas of responsibility and are authorized to delegate to subordinate commanders not below Air Force or comparable level such authority as they may desire: Commanding General Far East Air Forces; United States Air Forces in Europe; Alaskan Air Command; and Caribbean Air Command.

(4) *Appointment in U. S. Air Force Reserve from areas under jurisdiction of Military Air Transport Service.* The Commander of Military Air Transport Service is charged with the processing of applications for appointment in the U. S. Air Force Reserve from applicants outside of the continental limits of the United States where there is no other United States military authority charged with theater, area, or base responsibility, and where the Commander of Military Air Transport Service exercises all normal responsibilities and prerogatives of theater, area, or base commander and is authorized to delegate to subordinate commanders not below division level such authority as he may desire.

(5) *Application returned.* Air Force commanders and State and Territory adjutant generals charged with the responsibility of processing applications for appointment in the Reserve Forces under the provisions of regulations contained in §§ 861.301 to 861.308 will review each application received for completeness and initial eligibility of the applicant to apply. Applications which are incomplete will be returned for correction. The applications of applicants who do not meet the initial requirements for consideration for appointment under the provisions of regulations contained in §§ 861.301 to 861.307 will be returned to the applicant setting forth the reason(s) the application cannot be accepted. Extreme care will be used to prevent the processing of applicants who do not meet the requirements of regulations contained in §§ 861.301 to 861.307 for consideration for appointment.

(6) *Applications forwarded.* The applications and allied papers of those applicants who meet the initial requirements will be forwarded by the appropriate State or Territory adjutant general or Air Force or oversea commander as indicated in subparagraphs (1)–(4) of

this paragraph to the appropriate examining board.

§ 861.306 *Examining boards and examination*—(a) *Type of board.* Examining boards will be the circuit or traveling type board and interviews of applicants will be held in the centers of population most accessible to the majority of applicants. Boards will be appointed in sufficient numbers to assure that each board completes a circuit of its area of responsibility, interviewing all applicants, at least once every 90 days.

(b) *Composition of board.* Examining boards will be composed of an uneven number of field grade officers, totaling not less than three, at least one of whom will be an officer of the Regular component, and to include, when practicable, at least one member who is technically or professionally qualified to determine the applicant's proficiency in the specialty, to include grade, under which he is applying.

(c) *Examination.* The examining board will notify the applicant of time and place of appearance before the board. Applicants not in the active military service must provide for travel, quarters, and meals at their own expense. Applicants will be so scheduled that, as far as practicable, no applicant will have to spend more than one day at the place of examination. A biographical information blank answer sheet will be completed by each applicant, using an electrographic pencil or a pencil with P3B lead. The board will conduct an interview of each applicant. After an applicant has been interviewed, a rest period will be given during which time the board will consider the application and allied papers. The board then will question the applicant on personal history, training, and experience. The questioning should attempt to supplement the facts shown in the application and allied papers which the board will have before them for study and consideration. Each member of the board will make an individual independent appraisal of the applicant. If an individual is considered to be better qualified for a specialty other than the one for which applying, the board will make an appropriate recommendation. The board may recommend the applicant for appointment in a grade lower than that for which applying when it is believed that the applicant does not qualify for appointment in the higher grade. An examining board will not under any circumstances inform an applicant of its recommendations, whether favorable or unfavorable, nor will an applicant be given access to any of the personnel research tests used in his case after the board proceedings have been completed.

§ 861.307 *Channels of communication.* Applications and allied papers from applicants for appointment in the U. S. Air Force Reserve and completed board proceedings from Air Force boards within the continental limits of the United States will be processed as prescribed by the Commanding General, Continental Air Command. Applications and allied papers from applicants applying for appointment in the Air

National Guard of the United States and completed board proceedings will be forwarded by the board through the appropriate State adjutant general to the Chief, National Guard Bureau. Applications, allied papers, and completed board proceedings from oversea boards will be forwarded through the oversea command to the Commanding General, Continental Air Command.

§ 861.308 *Selection and appointment*—(a) *In the U. S. Air Force Reserve.* The Commanding General, Continental Air Command, is authorized to tender, pursuant to the direction of the Secretary of the Air Force, appointments in the U. S. Air Force Reserve, by direction of the President, to eligible applicants and may delegate this authority to subordinate commanders not below Air Force level as he may desire. Each applicant will be notified of his appointment or nonselection. Oversea commanders will be advised by the Commanding General, Continental Air Command, of final action on each application submitted from their area.

(b) *In the Air National Guard of the United States.* Appointments in the Air National Guard of the United States will be made by the Chief of Staff, U. S. Air Force.

APPOINTMENT OF OFFICERS IN THE JUDGE ADVOCATE GENERAL'S DEPARTMENT, U. S. AIR FORCE RESERVE

§ 861.401 *Persons eligible*—(a) *General.* Former personnel of the Armed Forces of the United States, persons without prior military service, and all members of the Air Force of the United States, except Regular commissioned officers, are eligible. Officers holding commissions in the Reserve Forces of the Army of the United States, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may not apply for appointment in the United States Air Force Reserve under the provisions of regulations contained in §§ 861.401 to 861.409 until they have obtained a conditional resignation from their commissions.

(b) *Foreign residents.* Persons residing in foreign countries occupied by the Armed Forces of the United States are eligible to apply for appointment under the provisions of regulations contained in §§ 861.401 to 861.409, provided that they can furnish a mailing address within the continental limits of the United States. Persons residing in any other foreign country may not apply.

(c) *Conscientious objectors.* Persons who are or have been conscientious objectors are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.401 to 861.409.

(d) *Persons having criminal record.* Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation may not apply for appointment under the provisions of regulations contained in §§ 861.401 to 861.409. Applicants for appointment in the Judge Advocate General's Department Reserve may request the Commanding General, Continental Air Command, to grant a waiver in the case of other minor violations which are

nonrecurrent and which are not considered prejudicial to performance of duty as an officer. No waivers for convictions involving moral turpitude or a felony will be considered. Any request for waiver under this paragraph must be submitted by the applicant together with his application through channels as indicated in § 861.406 to the Commanding General, Continental Air Command, Mitchel Air Force Base, Mitchel Field, N. Y., stating fully the circumstances of the case.

§ 861.402 *Persons ineligible*—(a) *Dishonorable discharges.* Former officers or enlisted personnel of any of the Armed Forces who were discharged under other than honorable conditions or were relieved from active service solely by reason of unsatisfactory service, are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.401 to 861.409.

(b) *Females with dependents.* Females who have a dependent or dependents under 18 years of age or a child or children under 18 years of age are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.401 to 861.409. The fact that the applicant does not have legal custody of the child or children will not remove this disqualification.

§ 861.403 *Requirements*—(a) *Citizenship.* For regulations governing citizenship requirements see § 861.303 (a).

(b) *Age.* All applicants must have passed their twenty-first birthday but not have reached the birthday anniversary indicated below at the time of receipt of initial application by the commander designated to receive applications for appointment as indicated in § 861.406.

First Lieutenant.....	32
Captain.....	36
Major.....	44
Lieutenant colonel.....	50
Colonel.....	54

(c) *Physical.* All applicants must be physically qualified for general service or general service with waiver.

(d) *Moral.* All applicants must be possessed of high moral character and personal qualifications.

§ 861.404 *Qualifications.* Applicants possessing the following professional qualifications and otherwise qualified may apply for appointment in the Judge Advocate General's Department Reserve:

(a) *First lieutenant.* For appointment or assignment as first lieutenant, applicant must be a graduate of an accredited law school and be a member of the bar of a Federal court or of the highest court of a State or Territory of the United States.

(b) *Grades above first lieutenant.* For appointment or assignment in grades above that of first lieutenant, applicant must possess all of the qualifications specified above for first lieutenant and have had additional legal experience as follows: (a) For captain, 4 years; (b) For major, 8 years; (c) For lieutenant colonel, 12 years; (d) For colonel, 16 years.

§ 861.405 *Waivers of age and professional requirements.* Waivers of age and of professional requirements or ex-

perience may be granted by The Judge Advocate General, U. S. Air Force, where demonstrated military or civilian training and experience justify such waivers.

§ 861.406 *Application*—(a) *Documents required.* Interested individuals may obtain blank forms at any Air Force installation, recruiting station, Air Reserve unit, Reserve Training Center, or by writing to the air force or oversea commander having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the applicable requirements listed below will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which will result from the return of incomplete applications.

(1) AF Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. The applicant will amend the caption of AF Form 24 to read: "Application for Appointment (or Assignment) in the Judge Advocate General's Department Reserve of the United States Air Force Reserve." The applicant will also amend the fifth box of AF Form 24 to read: "Application for Appointment (or Assignment) in the Judge Advocate General's Department Reserve, USAFR, for the Grade of -----." Plain sheets of paper attached to the application may be used for additional information if there is insufficient space on the application form.

(2) Original or photostat copy of honorable discharge certificate, or certificate of service, when applicable.

(3) Completed Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History." (See § 861.305 (c).)

(4) WD AGO Form 643A, "Personal History Statement," in triplicate.

(5) Documentary evidence of educational level.

(6) A recent photograph of the applicant, head and shoulders type, not less than 3 x 5 inches.

(7) A certificate from proper authority showing admission to and present standing at the bar.

(8) An affidavit from the applicant containing a statement of his full legal experience. Legal experience may include governmental, judicial, teaching, military legal experience, and private practice.

(9) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under the provisions of regulations contained in §§ 861.401 to 861.409.

(b) *Submission of application.* For regulations governing the submission of applications see § 861.305 (b).

(c) *Submission of report of physical examination.* For regulations governing submission of report of physical examination see § 861.305 (c).

(d) *Processing applications.* For regulations governing the processing of applications see § 861.305 (d) (2)-(6).

§ 861.407 *Examining boards and examination.* For regulations pertaining to examining boards and the examination of applicants thereby see § 861.306.

§ 861.408 *Channels of communication.* Applications, allied papers, and completed board proceedings from oversea boards will be forwarded through the oversea command to the Commanding General, Continental Air Command.

§ 861.409 *Appointment and assignment*—(a) *Continental Air Command.* Upon recommendation of his Judge Advocate or of The Judge Advocate General, United States Air Force, the Commanding General, Continental Air Command, is authorized to:

(1) Tender appointments in the Judge Advocate General's Department Reserve of the United States Air Force Reserve to eligible civilian applicants under regulations contained in §§ 861.401-861.409.

(2) Issue orders of assignment in the Judge Advocate General's Department Reserve, United States Air Force Reserve, to eligible Reserve Officer applicants under the provision of regulations contained in §§ 861.401 to 861.409.

(b) *Chief of Staff, U. S. Air Force.* The Chief of Staff, U. S. Air Force, will issue orders of assignment in the Judge Advocate General's Department Reserve, U. S. Air Force Reserve to the following classes of United States Air Force Reserve officers who are members of the bar of a Federal court or of the highest court of a State of the United States:

(1) Those who have been designated by the Chief of Staff, U. S. Air Force, as judge advocates.

(2) Those who are recommended by The Judge Advocate General, U. S. Air Force, for assignment to the Judge Advocate General's Department Reserve.

APPOINTMENT OF CHAPLAINS, U. S. AIR FORCE RESERVE

§ 861.501 *General.* The regulations contained in §§ 861.501 to 861.508 establish the standards and procedures for the selection of certain qualified persons for appointment as chaplains in the United States Air Force Reserve or Air National Guard of the United States. Applicants will be appointed in the grade of first lieutenant. Appointments will be tendered to such applicants as may be found qualified for service in the Air Force.

§ 861.502 *Persons eligible.* Former personnel of the Armed Forces of the United States, persons without prior military service, and all members of the Air Force of the United States, except Regular commissioned officers of the United States Air Force, are eligible. Officers holding commissions in the Reserve Forces of the Army of the United States, Reserve Forces of the Air Force of the United States, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may not apply for appointment in the Air Force Reserve or Air National Guard as chaplains under the provisions of regulations contained in §§ 861.501 to 861.508 until they have obtained a conditional resignation from their commissions.

§ 861.503 *Persons ineligible*—(a) *Conscientious objectors.* Persons who are or have been conscientious objectors are not eligible to apply for appointment

under the provisions of regulations contained in §§ 861.501 to 861.508.

(b) *Foreign resident.* Persons residing in foreign countries not occupied by the Armed Forces of the United States are not eligible to apply for appointment under the provisions of regulations contained in §§ 861.501 to 861.508. Persons residing in occupied countries may apply if they provide a mailing address within the continental limits of the United States.

(c) *Criminal record.* Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation may not apply for appointment. Former officers or enlisted personnel of any of the Armed Forces who were discharged under other than honorable conditions or were relieved from active service solely by reason of unsatisfactory service are not eligible to apply for appointment.

§ 861.504 *Requirements*—(a) *Citizenship.* For regulations governing citizenship see § 861.303 (a).

(b) *Age.* All applicants must have passed their twenty-first birthday and on the date of appointment must not have passed their thirty-third birthday.

(c) *Physical requirements.* All applicants must be physically qualified for general service or general service with waiver.

§ 861.505 *Qualifications*—(a) *General.* For appointment as a chaplain in the Air Force Reserve or Air National Guard, an applicant must meet the following requirements:

(1) *Education.* Must possess a consolidated transcript of 120 credit hours of undergraduate study from a recognized college and a consolidated transcript of 90 credit hours of graduate study from a recognized theological school.

(2) *Experience.* Must be actively engaged in the ministry as his principal vocation in life, and must have the ecclesiastical endorsement of a recognized religious denomination or organization certifying that the applicant is accredited by and is in good standing with the religious denomination or organization.

(b) *Church of Jesus Christ of Latter Day Saints.* For appointment as a chaplain in the Air Force Reserve or Air National Guard, an applicant from the Church of Jesus Christ of Latter Day Saints must meet the following requirements:

(1) *Education.* Must possess a consolidated transcript of 120 credit hours of undergraduate study from a recognized college or university.

(2) *Experience.* Must have at least 3 years of active civilian experience as a fully qualified missionary or a duly ordained officer or religious teacher, or any combination thereof.

(c) *First Church of Christ Scientist, in Boston, Mass.* For appointment as a chaplain in the Air Force Reserve or Air National Guard, an applicant from the First Church of Christ Scientist must meet the following requirements:

(1) *Education.* Must possess a consolidated transcript of 120 credit hours of undergraduate study from a recognized college or university.

(2) *Experience.* Must have at least 3 years of active civilian experience as a fully qualified reader, or 3 years as a registered Christian Science practitioner leading to the ecclesiastical endorsement by the religious organization.

(d) *Endorsement.* All applicants will request their religious denominations or organizations to furnish ecclesiastical endorsements direct to the Army and Air Force Chaplain Board, Washington 25, D. C.

§ 861.506 *Application*—(a) *Documents required.* The following documents, properly completed, constitute the application and allied papers required for individuals applying for appointment in the Air Force Reserve. Interested individuals may obtain blank forms at any Air Force installation, recruiting station, Air National Guard unit, Air Reserve unit, Reserve training center, or by writing to the air force or oversea commander having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the documents listed below will be used as a check list to insure that all necessary information and papers have been included. Individuals applying for appointment in the Air National Guard of the United States will submit their applications for appointment using the appropriate National Guard Bureau forms as prescribed in National Guard Regulation 20 (32 CFR 1201.1-1201.6) and not as listed below.

(1) AF Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate.

(2) Original or photostat copy of honorable discharge certificate, or certificate of service, if applicable.

(3) Completed Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History."

(4) WD AGO Form 643A, "Personal History Statement," in triplicate.

(5) Documentary evidence of educational level (transcript of credits).

(6) Recent photograph of applicant, head and shoulders, not smaller than 3 x 5 inches.

(7) Other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under the provisions of regulations contained in §§ 861.501 to 861.508.

(b) *Submission of report of physical examination.* For regulations governing submission of report of physical examination see § 861.305 (c).

§ 861.507 *Channels of communication.* Application and allied papers for Reserve appointments will be forwarded direct to Chief of Air Force Chaplains, Headquarters U. S. Air Force, Washington 25, D. C. Application and allied papers for Air National Guard appointments will be forwarded through the State Adjutant General concerned to the Chief, National Guard Bureau, and will then be referred to the Chief of Air Force Chaplains. Upon receipt at Headquarters U. S. Air Force, each application will be referred to the Surgeon General, U. S. Air Force, for review of the physical qualifications of each applicant and then passed to the Army and Air Force Chaplain personnel

board for ecclesiastical processing. Upon completion of action by this board, the application will be returned to the Chief of Air Force Chaplains for selection.

§ 861.508 *Selection and appointment*—(a) *Air Force Reserve commission.* Application and allied papers of selected applicants for Air Force Reserve commission will be forwarded to the Commanding General, Continental Air Command, for issuance of commission.

(b) *Air National Guard commission.* Application and allied papers of selected applicants for Air National Guard commissions will be transmitted to the Chief, National Guard Bureau.

APPOINTMENT IN U. S. AIR FORCE RESERVE WITHOUT PRIOR COMMISSIONED SERVICE

§ 861.701 *Definitions.* The following definitions are prescribed for regulations contained in §§ 861.701 to 861.707:

(a) *Applicant.* Any person who has submitted application as prescribed in §§ 861.701 to 861.707.

(b) *Processed applicant.* One who has completed the appropriate examining procedures.

(c) *Selected applicant.* One who has been selected for commission.

(d) *Air Force commanders.* The commanding generals of the numbered air forces of the Continental Air Command.

(e) *Oversea commanders.* Commanding generals of all major air commands outside the continental limits of the United States.

§ 861.702 *Persons eligible.* The following persons are eligible to apply for direct appointment in the U. S. Air Force Reserve:

(a) *General.* Individuals, whether in active service of the Air Force or not, who have served for a minimum of 6 months in the active service of the Air Force of the United States, United States Air Force, or the Air Corps of the Army of the United States, between December 7, 1941, and date of application, and have attained the grade of warrant officer, flight officer, or one of the first three enlisted grades, may apply for appointment as second lieutenant.

(b) *Individuals with service in the Army.* Individuals, whether in active service of the Air Force or not, who served a minimum of 6 months of active service between December 7, 1941, and June 30, 1947, in the Army of the United States and attained the grade of warrant officer or one of the first three enlisted grades, may apply for appointment as second lieutenant.

(c) *Individuals with service in the Navy, Marine Corps, or Coast Guard.* Individuals now in the active service of the Air Force as enlisted personnel who served a minimum of 6 months of active service between December 7, 1941, and June 30, 1947, in the Navy, Marine Corps, or Coast Guard and attained a grade equivalent to that of warrant officer, flight officer, or one of the first three enlisted grades, may apply for appointment as second lieutenant.

(d) *Individuals eliminated from aviation cadet training.* Individuals, whether in active service of the Air Force or not, eliminated from aviation cadet training of the United States Air Force or United

States Navy for failure to meet the flying training standards, who meet the requirements of § 861.704, may apply for appointment as second lieutenant. Individuals eliminated from aviation cadet training of the United States Air Force or United States Navy for failure to meet the academic standards or for disciplinary or other prejudicial reasons are not eligible for application under these provisions.

(e) *Individuals eliminated from service academies.* Individuals, whether in active service of the Air Force or not, eliminated from one of the service academies of the Armed Forces for failure to meet academic standards, who meet the requirements of § 861.704, may apply for appointment as second lieutenant. Individuals eliminated from one of the service academies of the Armed Forces for disciplinary or other prejudicial reasons are not eligible for application under these provisions.

(f) *Prisoners of war.* Individuals referred to in paragraph (a) or (b) of this section, who were recommended for, or tendered appointment to commissioned grade, but who were taken prisoner of war, thereby foreclosing final action on the recommendation for or acceptance of appointment, may apply for appointment as first lieutenant. Individuals applying under this paragraph must, in the absence of official records to substantiate claims of having been recommended for or tendered appointment, procure and submit a certificate from one or more disinterested officers or former officers substantiating such claim.

(g) *Graduates of accredited college or university.* Individuals otherwise eligible under paragraphs (a), (b), or (c) of this section, but whose service was or is in a grade lower than one of the first three enlisted grades, who are graduates of an accredited college or university where advanced training in the Reserve Officers' Training Corps was nonexistent at time of attendance or whose academic training period prior to graduation was not of sufficient duration for the individual to complete the advanced course, may apply for appointment as second lieutenant. Female applicants under this paragraph may be graduates of any accredited college or university.

§ 861.703 *Persons ineligible.* The following persons are not eligible for appointment under the provisions of regulations contained in §§ 861.701 to 861.707 and their applications will not be accepted:

(a) Those who have been or are presently conscientious objectors.

(b) Those who have a record of conviction by any type of court martial or by any civil court for other than minor traffic violations. A request for waiver may be submitted to the Commanding General, Continental Air Command, in the case of minor violations which are not considered prejudicial to performance of duty as an officer. No waiver involving convictions for moral turpitude will be considered.

(c) Those who have been separated from the service:

(1) Under other than honorable conditions.

- (2) For unsatisfactory service.
 (3) By reason of resignation in lieu of court martial or reclassification.
 (4) As a result of reclassification or court martial.

(d) Those who have held or are now holding a commission in any of the components of the Armed Forces of the United States.

(e) Individuals now serving as enlisted men in the active service of the Army, Navy, Marine Corps, or Coast Guard.

(f) Females who have a dependent or dependents under 18 years of age or a child or children under 18 years of age. The fact that the applicant does not have legal custody of the child or children will not remove the disqualification.

§ 861.704 Requirements. Individuals applying for appointment under the provisions of regulations contained in §§ 861.701 to 861.707 must meet the following requirements.

(a) *Age.* Applicants, except former prisoners of war, must be at least 21 years of age at time of application and not have passed their twenty-eighth birthday at time of receipt of application by the appropriate air force or oversea commander. Former prisoners of war applying for appointment under § 861.702 (b) must not have passed their thirty-fifth birthday at time of receipt of application by the Air Force or oversea commander. However, waivers for the maximum age requirement for appointment as second lieutenant may be granted until July 1, 1953. For this interim period an applicant applying for an appointment under the provisions of regulations contained in §§ 861.701 to 861.707 who served in the Armed Forces of the United States prior to September 2, 1945, and who will not exceed the thirtieth anniversary of his birth on July 1st of the calendar year in which he submits his application, may request a waiver to the maximum age requirement above. Requests for age waiver will be attached to the application. The Commanding General, Continental Air Command, is authorized to grant age waivers to otherwise qualified applicants applying for appointment in the Air Force Reserve and may delegate this authority to subordinate commanders not below air force level as he may desire.

(b) *Citizenship.* For regulations governing citizenship requirements see § 861.303 (a).

(c) *Mental.* Each enlisted or former enlisted applicant must have obtained a score of 110 or higher in the Army General Classification Test. Applicants who fail to obtain a score of 110 or higher will not be permitted to continue with the processing. (See note under § 861.705 (a) (5).)

(d) *Educational.* Each applicant must have successfully completed at least 2 years of college education from an accredited college or university; i. e., attain 50 percent of the credits required for attainment of a baccalaureate degree. Applicants who do not meet the foregoing requirement may qualify by passing the educational test prescribed for Aviation Cadet-Officer Candidate applicants. Applicants who do not possess 2 years of college must submit with their

application evidence of graduation from a high school or an accredited preparatory school of equivalent educational level before authority may be granted to take this test. No waivers of this educational requirement will be granted.

(e) *Moral.* Each applicant must be possessed of high moral character and personal qualifications.

(f) *Physical:*

(1) All applicants will be required to have a complete final-type physical examination, less (except when otherwise indicated) serology, chest X-ray, electrocardiogram, audiogram determination, microscopic urinalysis, lens correction, and pelvic examination in the case of females. The report of physical examination for all personnel will be recorded on Standard Form 88 and Standard Form 89. Both forms will be used for each applicant.

(2) No waiver for physical defects will be granted, except as outlined in subparagraph (3) of this paragraph.

(3) Examining medical board may make such recommendations as it believes to be in the best interests of the service relative to waiving physical defects. Waivers may be recommended in those cases where the applicant does not meet the physical standards prescribed in current regulations but where the physical defects:

- (i) Are static in nature.
- (ii) Are not subject to complication or aggravation by reason of military duty.
- (iii) Will not interfere with the satisfactory performance of full military duty.
- (iv) Will not necessitate hospitalization of time-loss from duty. Reservists who are granted waivers for physical defects as outlined above will be considered as falling within the physical classification of general service with waiver.

(4) Recommendations for consideration for physical waivers will be forwarded to the Commanding General, Continental Air Command, or the commanding generals of oversea commands, as applicable, for final approval.

§ 861.705 Application—(a) Necessary documents. The following documents, properly completed, constitute the application and allied papers. Interested individuals may obtain forms at any Air Force installation, recruiting office, Air National Guard or Reserve unit, or by writing to the air force or oversea command having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the applicable requirements listed below will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which will result from the return of incomplete applications.

(1) AF Form 24 (Application for Appointment in the United States Air Force Reserve) in triplicate. Additional paper, attached to the application, may be used for inclusion of information for which there is insufficient space on the application form.

(2) WD AGO Form 643A (Personal History Statement) in duplicate.

(3) True or photostat copy of honorable discharge certificate, or certificate of service, when applicable.

(4) Documentary evidence of educational level. (Transcript of credits for those with 2 years of college. Graduation evidence from high school or an accredited preparatory school of equivalent educational level for those who do not possess 2 years of college.)

(5) Certificate of Army General Classification Test score from unit commander in the case of enlisted personnel on active duty, or from the unit having custody of the records in the case of enlisted Reservists if the records are available within the area of the Air Force concerned.

NOTE: Enlisted Reservists and former enlisted personnel for whom an Army General Classification Test score is not available will be required to take the test under the supervision of the examining board. Only those applicants who attain a score of 110 or higher will be authorized to continue with the screening process.

(6) Any other documents or information the applicant may desire to submit as evidence of qualification for appointment under the provisions of regulations contained in §§ 861.701 to 861.707.

(b) *Submission of application.* For regulations governing the submission of applications see § 861.305 (b).

(c) *Processing applications.* Air force commanders, oversea commanders, and the Commander, Military Air Transport Service, in the case of personnel in areas outside the continental limits of the United States (see § 861.305 (b) (2)), are charged with the processing of applications submitted under regulations contained in §§ 861.701 to 861.707. When applications of those applicants who meet the initial requirements are in proper order and ready for processing, the air force or oversea commander will transmit them to the president of the examining board situated nearest the applicant's residence.

§ 861.706 Examining boards and examination. For regulations pertaining to examining boards and the examination of applicants thereby see § 861.306 and note under § 861.705 (a) (5).

§ 861.707 Appointment, rejection, and eligibility to reapply—(a) Appointments. Appointments of applicants from oversea commands and from the Commander, Military Air Transport Service, will be announced by the Commanding General, Continental Air Command. Appointments of applicants from the continental United States will be announced by the commanding generals of the numbered air forces of the Continental Air Command. Each processed applicant will be notified by the air force or oversea commander of his appointment or rejection for appointment.

(b) *Rejection and eligibility to reapply.* Processed applicants who are not selected for appointment are not eligible to reapply for appointment under the provisions of regulations contained in §§ 861.701 to 861.707 until the expiration of a period of 1 year from date of rejection notification.

AIR FORCE OFFICER CANDIDATE SCHOOL

§ 861.801 *Purpose and mission.* The purpose of §§ 861.801 to 861.812 is to outline the policy and procedures for selection of personnel for appointment as commissioned officers in the United States Air Force Reserve through attendance at the Air Force Officer Candidate School. Its mission is to provide an opportunity for each individual to attain the highest degree of professional recognition consistent with his ability, to develop the necessary officer personnel required to accomplish the mission of the Air Force, to maintain the high standard of leadership, and to afford the youth of the Nation the opportunity of military service as a commissioned officer.

§ 861.802 *Information.* Detailed information with respect to the Air Force Officer Candidate School program, application blanks, and instructions for execution of application blanks, etc., may be obtained from:

- (a) Any Air Force aviation cadet-officer candidate examining board.
- (b) Any Air Force base.
- (c) Any Army and Air Force recruiting station.
- (d) Chief of Staff, United States Air Force, Washington 25, D. C.

§ 861.803 *Definitions.* The following definitions are prescribed for this part:

- (a) "An applicant" is any person who has submitted his application as prescribed in this part.

- (b) "Processed applicant" is one who has completed the appropriate examining procedures.

- (c) "A selected applicant" is one who has been selected to attend a specific Air Force officer candidate school class.

- (d) "A rejected applicant" is one whose application has been rejected.

- (e) "A candidate" is a selected applicant who is actually in an Air Force officer candidate school class.

§ 861.804 *Requirements—(a) Eligibility.* The following are eligible to apply for appointment to the Air Force Officer Candidate School and must meet the prescribed requirements.

- (1) Enlisted members and warrant officers of the Regular Air Force of the United States.

- (2) Former enlisted personnel, warrant officers, and flight officers who served honorably during World War II and have been returned to civilian status.

- (3) Civilians.

- (b) *Age.* Applicants must be between the ages of 20 years and 6 months and 26 years and 6 months at the time of initial application. Selected applicants reporting for class enrollment must not have reached their twenty-seventh birthday. No waivers for the age qualification will be granted.

- (c) *Citizenship.* Each applicant must be a citizen of the United States. Applicants who are not citizens of the United States by birth must provide documentary evidence of citizenship. In the case of citizenship by naturalization or adoption, a form of certificate by an officer may be submitted as set forth in § 861.303. Under no circumstances will copies, photographic or otherwise, of naturalization certificates be made.

- (d) *Mental.* Each applicant must attain an equal or higher grade than the predetermined passing grade in such mental or aptitude examinations as may be prescribed by the Chief of Staff, United States Air Force.

- (e) *Educational.* Each applicant must present a transcript of credits equaling one-half the normal required credits (2 years) leading to a degree from an accredited college or university or be able to pass an examination which will measure the equivalent thereof. (Personnel who possess the required college credits will be exempt from taking this examination.)

- (f) *Moral.* Each applicant must be of high moral character and must possess personal qualifications.

- (g) *Physical.* All applicants will be required to have a complete final-type physical examination.

- (h) *General.* Applicant must possess such other general qualifications as may be prescribed by the Chief of Staff, United States Air Force.

- (i) *Application.* Application will be limited to those personnel who are stationed or reside within the territorial limits of the United States, to include the zone of the interior, Hawaii, Alaska, and Puerto Rico.

- (j) *Agreement to active duty.* Each applicant must agree to serve on active duty for a minimum of 3 years, if commissioned, unless sooner relieved by competent authority.

§ 861.805 *Ineligibles.* The following persons will not be eligible for selection or appointment, and their applications will not be accepted:

- (a) Those who have been, or presently are, conscientious objectors.

- (b) Those who have a record of conviction by any type of court martial or by any civil court for other than a minor traffic violation. Request for waiver may be submitted to the Chief of Staff, United States Air Force, in the case of a minor violation which is nonrecurrent and which is not considered prejudicial to performance of duty as an officer. No waiver involving moral turpitude will be granted.

- (c) Those who have been separated from the service under other than honorable conditions.

- (d) Those who have held, or now are holding, a commission in any component of the armed service.

- (e) Those who are drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

- (f) Those denied access to classified material.

§ 861.806 *Application—(a) Forms and documents.* Applications for Air Force Officer Candidate School must be submitted on AF Form 160 (Officer Candidate School Application). Each application will be accompanied by a birth certificate, transcript of college or university credits where applicable, documentary evidence of citizenship if by naturalization or adoption, as outlined in § 861.804 (c), and a supplemental statement in triplicate containing the following statements:

(1) If I am enlisted in or promoted to the third enlisted grade under the authority contained in paragraph 18, Air Force Regulation 53-2, for the specific purpose of attending Air Force Officer Candidate School and fail to complete the prescribed training for any reason, I hereby request voluntary reduction from the third enlisted grade to the exact grade held at the time of my enlistment in or promotion to the third grade as provided above unless sooner reduced by competent authority.

(2) I agree to serve for 3 years on active duty if commissioned. (Or individuals who apply under the separate additional quota established for the Air National Guard and the Air Force Reserve, paragraph 2b, may submit the statement, "I agree to serve on active duty for at least 6 months unless sooner relieved by competent authority and to participate in inactive duty training for at least 3 years if commissioned.")

(3) I have (have not) previously applied for Air Force Officer Candidate School.

(4) I am (am not) a member of the (Air National Guard), (Officer Reserve Corps), (Air Force Enlisted Reserve).

(5) I am (am not) a conscientious objector; I have (have not) been a conscientious objector.

(6) I am (am not) drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

(7) I have (have not) been and I am (am not) now a commissioned officer in one or more components of the armed forces.

(8) I am not (am) now and have not (have) been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(b) *To whom forwarded.* Applications and allied papers will be forwarded by individuals in the following manner:

(1) Individuals applying under the separate additional quota established for the Air National Guard will forward applications and allied papers through the State adjutant general of the State in which they reside to the Deputy Chief of Staff, Personnel, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., with appropriate remarks and recommendations. Individuals applying under the separate additional quota established for the Air Force Reserve will forward application and allied papers through proper military channels to the Deputy Chief of Staff, Personnel, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C.

(2) Application and allied papers of former enlisted personnel, warrant officers, and flight officers, may be submitted to any aviation cadet-officer candidate examining board or to the Chief of Staff, United States Air Force.

(3) Application and allied papers of civilians may be submitted to any aviation cadet-officer candidate examining

board or to the Chief of Staff, United States Air Force.

§ 861.807 *Examinations.* Unless otherwise prescribed by the Chief of Staff, United States Air Force, each applicant for the Air Force Candidate School will be given examinations as follows:

(a) All applicants will be required to have a complete final-type physical examination. No waiver for physical disqualification will be granted.

(b) Applicants who do not present documentary evidence of one-half the required credits that normally lead to a baccalaureate degree from a nationally or regionally accredited college or university will be required to take the Aviation Cadet Educational Examination. The numerical score obtained in the Aviation Cadet Educational Examination will be used in computing the final composite score in the manner prescribed by the Chief of Staff, United States Air Force. Failure to attain the passing score or better in the Aviation Cadet Educational Examination will preclude further examination of the applicant by the board. Applicants who present documentary evidence of one-half or more of the prescribed credits normally leading to a baccalaureate degree from an accredited college or university will be exempt from taking the Aviation Cadet Educational Examination. Numerical credits for computing final composite score will be based on the number of years applicant has attended accredited colleges or universities, as prescribed by the Chief of Staff, United States Air Force.

(c) All Air Force Officer Candidate School applicants will be administered the Officer Candidate Test Battery.

(d) The tests and examinations contained in paragraphs (b) and (c) of this section, will be transposed into individual numerical scores for each test and combined, the sum of which will be the final composite score, in the manner prescribed by the Chief of Staff, United States Air Force. Upon successful completion of the examinations, the president of the board will so advise the applicant, and the applicant will return to his duty station or place of residence to await notice of selection or rejection for a specific class.

§ 861.808 *Selection.* Selections for specific Air Force officer candidate classes will be made from those qualified applicants on the eligible list who attain the highest composite scores in the examination prescribed in § 861.807, except that the aviation cadet eliminees recommended by the Commanding General, Air Training Command, will be placed on the list in the manner prescribed by the Chief of Staff, United States Air Force.

§ 861.809 *Rejection.* Qualified applicants on the eligible list who are not selected will be notified that they did not attain a sufficiently high composite score for selection to a specific class and that their application will be retained for consideration in the next class, provided they are still within the prescribed age limits. When qualified applicants are considered and fail to be selected for two consecutive classes, applications and allied papers,

excluding the Officer Candidate Test Battery and Aviation Cadet Educational Examination, will be returned with the notice of nonselection. Qualified applicants who are not selected for either of the two consecutive classes may reapply for future classes, without prejudice, if they can qualify. Reapplication will necessitate complete processing.

§ 861.810 *Grades.* Selected civilians will be enlisted for 3 years in grades as prescribed in current directives for the purpose of attending the Air Force Officer Candidate School, and will be promoted immediately to grade 3 at the place of enlistment.

§ 861.811 *Enlistments.* (a) Selected aviation cadet eliminees who originally entered the program from civilian status will be discharged as aviation cadets; immediately reenlisted in the grade prescribed by current directives for the purpose of attending the Air Force Officer Candidate School; and transferred to an appropriate base within the Air Training Command pending assignment to Officer Candidate School. These individuals will be promoted to grade 3 when ordered into a specific class.

§ 861.812 *Quarters.* Quarters allowances will be in accordance with current directives. Government quarters for dependents are not available at the school. Officer candidates will not be permitted to reside off base while attending basic training centers or Air Force Officer Candidate School.

§ 861.813 *Relief from duty.* Candidates may be relieved from attendance at Air Force Officer Candidate School for disciplinary reasons, disqualifying physical defects, academic deficiencies, deficiencies in leadership, denial of security clearance, or upon their own request.

§ 861.814 *Disposition of nongraduates.* (a) All nongraduating candidates who were promoted to the third enlisted grade will be reduced without prejudice, unless otherwise stated, to the exact grade status held immediately prior to such promotion.

(b) All personnel who were enlisted for the purpose of attending the Air Force Officer Candidate School and who fail to complete the course for any reason will be reduced in accordance with applicable Air Force directives to the enlisted grade held at the time of enlistment, unless sooner reduced by competent authority, and discharged for the convenience of the Government.

(c) The Commanding General, Indoctrination Division, Air Training Command, is authorized to retain for the next class any candidate in the Air Force Officer Candidate School who fails to complete the course through no fault of his own, or who failed but whose record is such that he may reasonably be expected to overcome his deficiency by joining the next class, provided he desires to be retained for such purpose.

§ 861.815 *Appointments in the Air Force Reserve.* Officer candidates who successfully complete the prescribed course of training will be commissioned as second lieutenants in the United

States Air Force Reserve. All graduates who were selected under the separate additional quota and who did not elect to serve on active duty for 3 years will serve a minimum of 6 months of active duty as Air Reserve Officers unless sooner relieved for the convenience of the Government. During the 6 months of active duty, it is the responsibility of the individual to initiate application for appointment and Federal recognition as an Air National Guard officer. Application will be submitted on WD NGB Form 62 (Application for Federal Recognition as a National Guard Officer and Warrant Officer for Appointment in the National Guard of the United States), in triplicate, through appropriate channels. Immediately prior to the termination of the prescribed course of training, completion of which normally qualifies an officer candidate for appointment as second lieutenant, a board of officers will consider the physical, moral, educational, and professional qualifications of each officer candidate due to complete his training. Officer candidates recommended to be commissioned as second lieutenants in the Air Force Reserve, by the board, will be so commissioned in the manner prescribed by the Secretary of the Air Force. An officer candidate will be discharged from the service upon being commissioned a second lieutenant in the Air Force Reserve. Graduates, except those who were selected under the separate additional quota established for the Air National Guard and Air Force Reserve will be required to sign voluntary service statements that they will remain on active duty for a period of 3 years unless sooner relieved by competent authority. The Commandant, Air Force Officer Candidate School, will issue orders placing each officer on initial active duty at such station as directed by the Chief of Staff, United States Air Force.

VOLUNTARY CALL TO EXTENDED ACTIVE DUTY

§ 861.901 *General.* Voluntary calls or recalls to extended duty will be utilized by the Department of the Air Force to maintain the officer strength necessary to accomplish its assigned mission. Tours of duty will be on a voluntary basis for the duration of 3 years unless sooner relieved for the convenience of the Government. The duration of a normal tour of extended active duty shall be computed as commencing on the first day of the month following the date of reporting on active duty and shall be completed when the officer has served the prescribed tour which will not be shortened by considering the officer's accrued leave.

§ 861.902 *Eligibility.* To be eligible for extended active duty, the applicant must:

(a) Hold a commission in the United States Air Force Reserve or Air National Guard of the United States (Not applicable to warrant officers desiring extended active duty in the grade of their temporary existing appointments inasmuch as there are no provisions of law for warrant officers in the United States Air Force Reserve).

(b) Agree to accept active duty in a grade not higher than the grade in which the applicant served in the Army of the United States or Air Force of the United States immediately prior to processing for relief from active duty, except that newly commissioned officers may be called to active duty in the grade in which appointed.

(c) Agree to accept any general down-grade readjustments in the same manner as all officers on extended active duty.

(d) Possess 2 years of college or the equivalent thereof.

§ 861.903 *Officers not subject to recall.* Officers will not be called to extended active duty for the sole purpose of:

(a) Reclassification.
(b) Trial by courts martial.
(c) Appearance as a witness in a military trial.

(d) Completion of a project left unfinished at the time of relief from active duty, or assignment to a project or activity of a temporary nature.

(e) Rectifying an error committed during a previous tour of active duty.

(f) Appearance before a retiring board.

§ 861.904 *Application.* All applications for extended active duty from officers on inactive status will be submitted on Air Force Form 125 to the Chief of Staff, United States Air Force, Attention: AFPMP 8D, Washington 25, D. C. Air National Guard officers will forward their applications through their State (Territory or possession) adjutant general who will indicate approval or disapproval in their forwarding indorsement.

§ 861.905 *Physical qualifications.* All officers recalled to extended active duty must be found physically qualified for general service or general service with a waiver. Upon reporting to the first duty station, each officer will undergo a final-type physical examination unless one within 3 months of the date of entry on active duty is of record.

§ 861.906 *Orders.* Orders calling or recalling officers to extended active duty will be issued by the Department of the Air Force, and whenever practicable, will be issued 14 days or more in advance of the active duty date. Officers will be ordered to duty in a temporary Air Force of the United States (AFUS) grade as Air Force of the United States officers and not United States Air Force Reserve officers, and will not be entitled to the lump-sum payment authorized by Public Law 97, 77th Congress (sec. 6, 55 Stat. 240; 10 U. S. C. 300a), however, officers' commissions in the United States Air Force Reserve remain in effect. Effective date of duty is the date the officer is to depart from his home in compliance with orders. Air National Guard officers will obtain clearance of Federal property or State funds for which they are responsible. Travel by private automobile is authorized for all personnel who are recalled to extended active duty.

§ 861.907 *Date of rank.*—(a) *Recomputation of date of rank of officers recalled to active duty.* The date of rank

of officers recalled to active duty will be recomputed in accordance with section 127a of the National Defense Act, as amended (sec. 51, 41 Stat. 785, as amended; 10 U. S. C. 511).

(b) *Absence without leave.* A Reserve officer who is ordered to active duty and who is absent without leave during a part or the whole of the period for which ordered to active duty, is not entitled to count the time absent without leave in placing rank.

(c) *Credit as National Guard officers.* Reserve officers who are entitled to credit for relative rank for service as officers of the National Guard under sections 94, 97, and 99, National Defense Act, as amended (secs. 94, 97, 99, 39 Stat. 206, 207, as amended; 32 U. S. C. 63, 64, 65), should submit request therefor to the Chief of Staff, United States Air Force, Attention: AFPMP-8D, Washington 25, D. C., through military channels, including the major air command and the Chief of the National Guard Bureau. Such requests should specify the claimant's full name; his grade, section, and serial number in the United States Air Force Reserve; the dates (day, month, and year) of duty, the nature of duty and where performed, and the State in which claimant served as a National Guard officer with his grade and organization at the time the service was rendered.

MOBILIZATION AND TRAINING

§ 861.1001 *General.* The regulations contained in §§ 861.1001 to 861.1007 establish procedures for the assignment or designation of Air Force Reserve officers, below the rank of brigadier general, to specific positions to meet mobilization requirements. The total mobilization positions, to be filled by Air Force Reserve officers, are based on the over-all requirements as contained in current war plans. Participation in active duty training for personnel referred to in paragraphs (b) and (c) of this section will be selective and subject to the availability of funds after the active duty requirements of personnel referred to in paragraph (a) of this section have been met. These positions may be filled by individual Reserve officers who qualify for:

(a) A mobilization assignment and who will be authorized to qualify for inactive duty training pay and will be eligible for active duty training.

(b) A mobilization assignment but who, because of insufficient funds for this purpose, will not be authorized to qualify for inactive duty training pay.

(c) A mobilization designation. (This individual is in the Volunteer Air Reserve and is not authorized to qualify for inactive duty training pay.)

§ 861.1002 *Definitions.*—(a) *Mobilization position.* A military position, within an Air Force unit or activity at its proposed expanded war strength, which it is not anticipated will be filled on M-day by an individual on active duty status, or which it is anticipated will be vacated on or about M-day, and which must be filled by individuals recalled to active duty or inducted into the service.

(b) *Mobilization assignment.* Mobilization assignment is duty for which an

Air Force Reserve officer volunteers and is assigned in an inactive duty status in anticipation of war or other National emergency. For the purpose of regulations contained in §§ 861.1001 to 861.1007, assignment to an Air Force Reserve Table of Organization and Equipment, Table of Distribution, or any other Reserve unit is not considered an individual mobilization assignment. An Air Force Reserve officer presently holding a Reserve Table of Organization and Equipment, Table of Distribution, or any other Reserve unit assignment may not be given a mobilization assignment unless relieved from the unit assignment.

(c) *Mobilization designation.* Mobilization designation is the designation of an Air Force Reserve officer, who is unable or unwilling to accept a mobilization assignment, to a position to which it is anticipated the individual will be assigned if called to active duty in event of mobilization.

(d) *Training attachment.* The attachment of an Air Force Reserve officer having a mobilization assignment, for training only, to an appropriate unit or activity of the Regular Air Force; the Organized Air Reserve; or the Air National Guard (subject to the approval of the State concerned) when distance or other reason prevents participation in training at the place of mobilization assignment.

§ 861.1003 *Mobilization assignments.*—

(a) *To whom given.* Mobilization assignments will be given to those individuals of the Air Force Reserve in an inactive duty status who volunteer and are assigned by competent authority to positions in which it is anticipated they will serve if called to active duty in event of mobilization. These individuals must signify, in writing, their willingness to accept an assignment in the Organized Air Reserve, with or without pay, and to comply with those requirements now or hereafter established for retention of status as a member of the Organized Air Reserve.

(b) *Inactive duty training pay.* Individuals with mobilization assignments with or without inactive duty training pay will be members of the Organized Air Reserve.

(c) *Eligibility for inactive duty training pay.* Individuals with mobilization assignments will be eligible to receive inactive duty training pay to the extent of funds available for the pay of mobilization assignees.

(d) *Purpose of mobilization assignments.* Mobilization assignments will be made only for the purpose of filling mobilization position vacancies which remain in the Reserve troop basis after Table of Organization and Equipment or Table of Distribution troop spaces have been deducted.

(e) *Extended active duty.* Air Force Reserve officers ordered to extended active duty who hold mobilization assignments will be relieved of such assignments.

(f) *Travel involved.* Where practicable, mobilization assignments will involve a minimum of travel. However, distance will not preclude assigning an individual to a mobilization assignment

if he is especially qualified for the position.

(g) *Precedence of program.* The fulfillment of the mobilization assignment program will take precedence over all other inactive duty officer assignments.

(h) *Ineligibility for mobilization assignment with pay.* A mobilization assignment with pay will not be given to an individual who, in a civilian capacity, occupies a position which would be occupied by him as an officer in the event of mobilization. In these cases, the individual may be given a mobilization assignment without inactive duty training pay, or, if appropriate, a mobilization designation.

(i) *Ineligibility of certain officers.* Mobilization assignments will not be given to Reserve officers serving in the Air Force in a grade below officer grade.

§ 861.1004 Mobilization designations—

(a) *To whom given.* Certain key individuals, who, by virtue of their civilian occupation, are considered to be especially qualified, may be earmarked for mobilization positions by means of mobilization designations. Mobilization designations will be given to those individuals of the Air Force Reserve in an inactive duty status who volunteer and are assigned by competent authority to positions in which it is anticipated they will serve if called to active duty in event of mobilization. A mobilization designation may be given when an individual either is unable or unwilling to accept a mobilization assignment in the Organized Air Reserve, or to comply with those requirements now or hereafter established for retention of status as a member of the Organized Air Reserve.

(b) *Availability of qualified individual.* In the event a more qualified individual becomes available for a mobilization assignment to a position held by a mobilization designee, the individual holding a mobilization designation will be relieved of the designation and the position will be filled by mobilization assignment. Mobilization designees so relieved may, if qualified, be given another mobilization designation within the command concerned.

(c) *Volunteer Air Reserve.* Individuals with mobilization designations will be assigned in the Volunteer Air Reserve and must signify, in writing, their intention to comply with the requirements now or hereafter established or retention in the Volunteer Air Reserve.

(d) *Promotion and retention of status.* Individuals with mobilization designations may accrue points for promotion and retention of status in the manner prescribed in §§ 861.3 to 861.11. In appropriate cases individuals with mobilization designations may, on application to the commanding general of the command in which such designations are held, request to have their status changed to that of a mobilization assignee. If such requests are approved individuals will be transferred from the Volunteer Air Reserve to the Organized Air Reserve in accordance with instructions contained in §§ 861.3 to 861.11.

(e) *Waiver of minimum requirement for retention of status.* The minimum requirement for retention of status in the

Volunteer Air Reserve may be waived, under the provisions of §§ 861.3 to 861.11, for individuals with mobilization designations whose civilian occupations are so directly allied with the mobilization position for which the individual has been designated that proficiency is deemed to be retained by virtue of participation in the civilian occupation.

(f) *Ineligibility of certain officers.* Mobilization designations will not be given to Reserve Officers serving in the Air Force in a grade below officer grade.

§ 861.1005 Training attachments. A training attachment will not be given to a mobilization assignee to any unit or activity not capable of providing the individual concerned with adequate and effective training in his mobilization assignment capacity. In the event no suitable training attachment can be provided for an individual desired for a mobilization assignment, a mobilization assignment will not be made. In these cases the individual may be tendered a mobilization designation. Individuals, with the consent of the major air commands concerned, may receive training attachments to units or activities where it is most practicable for them to train regardless of the location of their mobilization assignment.

§ 861.1006 Requests for mobilization assignment or designation—(a) *Specific requests.* An individual Reservist desiring a mobilization assignment or designation may request the assignment or designation by military letter to the headquarters of the major air command to which the assignment is desired. Letters will be forwarded through the numbered air force having responsibility over the individual's area of residence. Upon receipt of the applications, the numbered air force will prepare a career brief on the individual concerned and forward it together with the individual's letter of application, to the major air command concerned. Upon receipt of individual requests, major air commands will determine if a vacancy for a mobilization position exists and whether or not the individual is qualified and desired to fill a mobilization position either through assignment or designation. If selected, the major air command concerned will request the numbered air force through which the individual applied, to issue appropriate assignment orders to the major air command concerned. Letters of applicants not selected, together with their career briefs, will be returned to the appropriate numbered air force. Numbered air forces will notify these individuals of their nonselection.

(b) *Nonspecific requests.* An individual who desires to make application for a mobilization assignment or mobilization designation, without specifying the major air command of assignment, may submit his application to the numbered air force having responsibility for maintaining his master personnel records. Individual requests for mobilization assignments or designations will not be submitted to more than one command at a time.

§ 861.1007 Training. Whenever practicable, officers having mobilization as-

signments will accomplish inactive duty training with the unit or activity in which such mobilization assignment is held. Officers having mobilization assignments to units or activities with which it is not practicable for them to participate in inactive duty training may be attached, to other activities and units, for training. Active duty training of officers having mobilization assignments normally will be accomplished with the unit or activity in which such assignment is held. Officers having mobilization designations normally will participate in inactive duty training only to the extent provided for other officers of the Volunteer Air Reserve.

INACTIVE DUTY TRAINING PAY AND ALLOWANCES

§ 861.1101 Policy—(a) *Priorities.* United States Air Force Reserve personnel assigned to the Organized Air Reserves and Medical personnel and chaplains assigned to duty with the Organized Air Reserve will be eligible to receive inactive duty training pay. Personnel will be paid, on a quarterly basis, to the extent provided for by appropriations and in accordance with the following priorities:

(1) Individuals who have mobilization assignments.

(2) Individuals participating in the Corollary Program.

(3) Individuals who have assignments to United States Air Force Reserve Table of Organization and Equipment or Table of Distribution units.

(b) *Active duty.* Inactive duty training pay will not accrue to individuals while on active duty.

(c) *Training period.* Not more than one training period or unit assembly will be authorized for pay purposes for each calendar day unless the total or aggregate duration of such participation is at least 8 hours. When such participation is at least 8 hours, not more than two training periods or unit assemblies will be authorized in any one day.

§ 861.1102 Definitions—(a) *Mobilization assignment.* Duty for which an individual volunteers and is assigned by competent authority on inactive duty status in anticipation of war or other national emergency and for which it is anticipated the individual will be called to active duty in the event of mobilization.

(b) *Table of Organization and Equipment or Table of Distribution unit assignment.* Duty within an authorized United States Air Force Reserve Table of Organization and Equipment or Table of Distribution unit for which an individual volunteers and to which he is assigned on inactive duty status in anticipation of war or other national emergency.

(c) *Training period.* A duly authorized period of instruction performed by an individual with a mobilization assignment. Such training period will be of at least 2 hours in duration and normally will be 4 hours in duration.

(d) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by a United States Air Force Reserve Table of Organization

and Equipment unit, Table of Distribution unit, or corollary unit. Such unit training assembly will be of at least 2 hours in duration and normally will be 4 hours in duration.

(e) *Competent authority.* Chief of Staff, United States Air Force, and the commanding generals of major air commands. This authority may be redelegated to subordinate commanders.

§ 861.1103 *Inactive duty training and pay.*—(a) *Mobilization assignees.* (1) Mobilization assignees will receive inactive duty training at duly authorized training periods.

(2) Personnel quotas for inactive duty training pay will be issued to the major air commands by Headquarters, United States Air Force.

(3) Full use of the two calendar days comprising a week end is encouraged for the purpose of greater continuity in individual training.

(4) Not more than 48 training periods in each fiscal year for inactive duty training pay purposes will be authorized personnel with mobilization assignments. Mobilization assignment personnel will be authorized not more than six training periods in any calendar month.

(5) Rated personnel with other than aircrew assignments will not be considered to have participated in a training period by virtue of individual flight training activities.

(6) Rated personnel with aircrew assignments will not be considered to have participated in a training period by virtue of flight activities unless such training is authorized by competent authority and accomplished with the organization to which assigned or with a similar type organization.

(b) *Personnel with Table of Organization and Equipment or Table of Distribution assignments.* (1) Personnel with Table of Organization and Equipment or Table of Distribution assignments will receive inactive duty training at duly authorized unit training assemblies. (Not applicable to corollary units.)

(2) The units to receive inactive duty training pay will be established by Headquarters, United States Air Force.

(3) Units will be authorized unit training assemblies for pay purposes as follows:

(i) Class A units specifically designated for prompt mobilization by the Department of the Air Force will be authorized a maximum of 48 unit training assemblies in each fiscal year of which not less than two or more than six will be conducted in any calendar month. (The minimum of two periods per month may be waived for the month in which a unit is scheduled for active duty training.)

(ii) All other units will be authorized a maximum of 24 unit training assemblies in each fiscal year of which not less than one or more than three will be conducted in any calendar month for pay purposes. (The minimum of one period per month may be waived for the month in which a unit is scheduled for active duty training.)

(4) Full use of the two calendar days comprising a week end is encouraged for the purpose of greater continuity of unit training.

(5) Additional pay for flying will be authorized for individuals qualifying for inactive duty training pay under the provisions of subparagraph (3) (i) and (ii) of this paragraph, upon publication of appropriate Executive orders required by law and when an individual accomplishes the minimum flight requirements through:

(i) Participation in prescribed individual flight training.

(ii) Participation in an authorized unit flight training mission which is conducted to maintain unit flying proficiency.

§ 861.1104 *Attendance requirements.*—

(a) *Officers.* (1) Officers with mobilization assignments must participate in the required training pursuant to competent orders. No minimum number of officers at a duly authorized training period is required.

(2) Officers with Table of Organization and Equipment or Table of Distribution unit assignments must participate in the required training pursuant to competent orders. They will not receive inactive duty training pay for attendance at any unit training assembly at which less than 60 percent of the assigned strength of the unit was present. (Personnel absent on military orders are excluded from the assigned strengths.)

(b) *Airmen.* Airmen must participate in the required training pursuant to competent orders. No minimum number of airmen at a duly authorized training assembly is required.

§ 861.1105 *Corollary program.* (a) Personnel in corollary units will be authorized unit training assemblies for pay purposes within budgetary limitations as follows:

(1) Fully organized corollary units will be authorized a maximum of 48 unit training assemblies in each fiscal year of which not less than two will be conducted in any calendar month.

(2) Corollary units which are not fully organized will be authorized a maximum of 24 unit training assemblies in each fiscal year of which not less than three will be conducted in any calendar quarter.

(b) Individuals with corollary unit assignments must participate in the required training pursuant to competent orders. They will not receive inactive duty training pay for attendance at any unit training assembly at which less than 60 percent of the assigned strength of the unit was present. (Personnel absent on military orders are excluded from the assigned strengths.) Pay of airmen will not be subject to the attendance requirements of this paragraph.

(c) Additional pay for flying will be authorized those individuals qualifying for inactive duty training pay under the provisions of paragraph (a) (1) and (2) of this section upon publication of appropriate Executive orders required by law and when an individual accomplishes the minimum flight requirements through:

(1) Participation in prescribed individual flight training.

(2) Participation in an authorized unit flight training mission which is

conducted to maintain unit flying proficiency.

§ 861.1106 *Administrative function pay.* (a) In addition to other inactive duty training pay, commanding officers of United States Air Force Reserve Table of Organization and Equipment units having administrative functions connected therewith will receive pay on a quarterly basis within the limitation of appropriations, but not to exceed the following amounts:

(1) All class A units and fully organized corollary units—not to exceed \$240.00 annually and to accrue at the rate of \$20.00 per month.

(2) All class B units and corollary units not fully organized—not to exceed \$120.00 annually and to accrue at the rate of \$10.00 per month.

(3) All class C units—not to exceed \$60.00 annually and to accrue at the rate of \$5.00 per month.

(b) Administrative function pay will accrue on a day-to-day basis and is payable only for periods during which the payee is in an inactive duty training pay status.

§ 861.1107 *Inactive duty training without pay.* When authorized by competent authority, personnel assigned to the Organized Air Reserve may participate in inactive duty training without pay. When such training is performed, and funds are appropriated for this purpose, personnel will be entitled to transportation to and from such duty, with subsistence en route, and during the performance of such duty, will be furnished subsistence and quarters in kind or commutation thereof. Authorization for this training will be limited by allotments of funds from Headquarters, United States Air Force, for this specific purpose.

§ 861.1108 *Volunteer training without remuneration.* Nothing in this part will be interpreted to limit the amount of individual or unit training that may be authorized or voluntarily conducted without pay or reimbursement of any kind.

PILOT TRAINING IN GRADE FOR RESERVE OFFICERS

§ 861.1201 *General.* Pilot training in officer grade is conducted for Reserve officers of the Air Force within the Air Training Command. Graduates are granted the aeronautical rating of pilot and assigned to flying duty.

§ 861.1202 *Requirements.*—(a) *Eligibility.* Applicant must:

(1) Be an Air Force Reserve officer, not on extended active duty, in the grade of lieutenant, who has received a college degree; or

(2) Be an Air Reserve Officers' Training Corps student who will complete his training and receive either a Regular or Reserve commission in the Air Force at the completion of his academic year.

(3) Be physically qualified for pilot training.

(4) Be recommended for pilot training by his immediate commanding officer.

(5) Obtain passing score on the Air Force Qualifying Examination, if non-rated.

(6) Be enrolled in the pilot training course prior to reaching twenty-seventh birthday.

(b) *Ineligibles.* Applications from officers in the following categories will not be considered:

(1) Those who have completed in a service flying school a course of instruction leading to the aeronautical rating of pilot, or have been eliminated therefrom as a result of failure in flying or academic studies, disciplinary action, or resignation, unless such resignation was for reason of severe personal hardship.

(2) Those who hold or have held the aeronautical rating of pilot in any of the armed forces of the United States.

(3) Generally, those who have served less than 1 year in a newly acquired Specification Serial Number through attendance at a specialized school or course of training.

§ 861.1203 *Application*—(a) *Forms.* Application will be submitted on Air Force Form 131, Application for Flying Training in Officer Grade (Pilot-Navigator). Applicants may obtain copies of Air Force Form 131 from the nearest Aviation Cadet and Officer Candidate Examining Board. Air Reserve Officers' Training Corps students will forward applications for pilot training and extended active duty in accordance with separate instructions furnished the Commanding General, Continental Air Command.

(b) *Physical examination.* Reserve officers on inactive duty will contact the nearest Aviation Cadet and Officer Candidate Examining Board in order to accomplish the physical examination; and the Air Force Qualifying Examination, if officer is nonrated. Examining boards will forward the completed application files of qualified applicants, including accomplished Air Force Form 125 (application for extended active duty), to the commanding general of the numbered air force under the Continental Air Command having administrative jurisdiction over the officer concerned.

(c) *Change of address.* Any change of address subsequent to submitting application for pilot training must be reported immediately to the Director of Military Personnel, Headquarters, United States Air Force, Attention: Aviation Cadet Branch, Personnel Procurement Division, Washington 25, D. C.

§ 861.1204 *Selection and disposition*—(a) *Selection.* Selection will be made by Headquarters, United States Air Force. Applicants will be notified through channels of their acceptance or nonacceptance.

(b) *Disposition.* Student officers who fail to meet the prescribed standards of training will be eliminated.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-9795; Filed, Dec. 7, 1949;
8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

ADMINISTRATIVE USE FOR IMPROVEMENTS, FUEL, INVESTIGATIVE USE BY GOVERNMENT, RELIEF AND NONPROFIT ORGANIZATIONS

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 476, 551) and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), I, A. J. Loveland, Acting Secretary of Agriculture, do hereby amend § 221.24, Chapter II, Title 36, Code of Federal Regulations, of the rules and regulations governing the occupancy, use, protection and administration of the national forests, to read as follows:

§ 221.24 *Administrative use for improvements, fuel, investigative use by government, relief, and nonprofit organizations; primarily of benefit to the applicant.* The Chief, Forest Service, may authorize the cutting or use of national forest timber without charge for the construction, maintenance or repair of roads, bridges, trails, telephone lines, drift fences, recreation areas, or other improvements of value for the protection or administration of the national forests or other Federal lands; for fuel in Federal camps, recreation areas, and buildings; for investigations; for use in relief work conducted by public agencies; or for building, fuel, and similar uses but not for resale, of nonprofit organizations of unrestricted membership and furnishing services to the general public without distinctions between individuals, such as local governmental bodies including school districts, churches, and community organizations for community betterment.

This authority may be delegated to regional foresters for any amount not exceeding 5,000,000 board feet, or the equivalent, in any one transaction, who may delegate authority to subordinates for any amount not exceeding 1,000,000 board feet in any one transaction. All supervisors and forest officers in charge of Research Centers are authorized to issue permits not to exceed 20,000 board feet in any one transaction and may delegate this authority to subordinate officers.

(37 Stat. 843; 16 U. S. C. 560) (Reg. S-24)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 2d day of December 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-9826; Filed, Dec. 7, 1949;
8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

1. In § 21.201, paragraphs (d), (e), (f), and (g) are amended; and paragraph (h) is added to read as follows:

§ 21.201 *Types of courses.* * * *

(d) *Specialized restorative training course.* A course which is designed to overcome or minimize the handicap of a disability which interferes with the veteran's ability to undertake a regimen consisting of or including vocational training or employment. Specialized restorative training courses which may be furnished without prior central office approval are: courses in speech and voice correction, speech retention or voice retention, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, left-hand writing, work adjustment training, and personal adjustment training. Authority to furnish specialized restorative training courses other than those named in the preceding sentence must be obtained from central office before such courses may be furnished.

(1) Subject to the limitation imposed by this paragraph, specialized restorative training may be furnished under Part VII when all of the following conditions maintain:

(i) The particular handicap which the specialized restorative training is designed to overcome or minimize prevents or interferes with the successful pursuit of vocational training or with attaining satisfactory employability; and

(ii) The physical and mental conditions of the veteran are such that they will not preclude or interfere with the pursuit of the specialized restorative training; and

(iii) There is good promise that the specialized restorative training will overcome or minimize the particular handicap which gives rise to the need for such training; and

(iv) The veteran has been referred to the medical division to ascertain whether services necessary to overcome or minimize the particular handicap which gives rise to the need for specialized restorative training can be obtained through that division as medical treatment. As a result of such referral it is found that such services are not available through the medical division or that the services are available only at such distance from the veteran's place of training or from his home as to preclude pursuit of vocational training under Part VII and the treatment concurrently or to cause the veteran undue personal hardship.

(2) Because the pursuit of specialized restorative training on a full-time basis usually is impracticable, specialized restorative training ordinarily will be prescribed as a part of a full-time course

of vocational rehabilitation and pursued concurrently with the vocational training.

(3) Specialized restorative training may be furnished as a beginning or preliminary part of an over-all course of vocational rehabilitation when it is found that a suitable employment objective cannot be specified or that vocational training is not feasible because of certain conditions of disability that can be overcome by a course of specialized restorative training which gives promise of enabling the veteran to pursue vocational training. This will be done with a view to selecting a suitable employment objective and/or prescribing the vocational part of the course of vocational rehabilitation immediately upon or prior to the successful completion of the specialized restorative training part of the course of vocational rehabilitation. In such a case, although the course may not require the veteran to devote full time to training, he will be regarded as being in full-time training.

(4) Specialized restorative training may be furnished as the total course of vocational rehabilitation when there is need for such training and there is good promise that the successful completion of this training, by itself, will restore the employability of the veteran. In such a case, although the course may not require the veteran to devote full time to training, he will be regarded as being in full-time training.

(5) Specialized restorative training may be furnished on a part-time basis (with subsistence allowance limited to that payable under § 21.134) only when it is determined:

(i) That a veteran, who is employed in an occupation suited to his ability, aptitudes, and interests and who has a handicap resulting from a compensable disability of a progressive nature which will result in unemployability, can be rehabilitated through pursuit of such training on a part-time basis while employed by enabling the veteran to retain his present employment; or

(ii) That a veteran, who is employed but whose handicap resulting from a compensable disability is of such a progressive character as will render him unemployable in his present occupation, can be rehabilitated through pursuit of such training on a part-time basis by enabling him to attain employability in another occupation for which he is already otherwise qualified and which is suitable to his ability, aptitudes, and interests.

(e) *Sheltered workshop course.* A course of training on the job or combination of training on the job and supplemental related instruction which provides the disabled veteran with vocational training in a specific employment objective under conditions in which the trainee is relatively sheltered from competition with the able-bodied and from requirements to meet production standards which in ordinary on the job training situations would interfere with the restoration of employability and which is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not op-

erated for the purpose of profit, but primarily for the purpose of providing vocational training, rehabilitation, and employment for the physically and/or mentally handicapped. A sheltered workshop course which, as described above, is a vocational course of training will be strictly differentiated from a course of specialized restorative training as described in paragraph (d) of this section, which, however, may be provided by and pursued at a sheltered workshop. For example, work adjustment training designed to restore the ability to perform simple work operations and elemental controlled movements and to build up work tolerance. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment under ordinary conditions, but in which training under sheltered workshop conditions gives good promise of needed results not otherwise obtainable in the particular case or promise of the best results possible in the particular case.

(f) *Correspondence course.* A course conducted by mail, consisting of a series of written lesson assignments furnished by a school to the student for study and requiring the submittal to the school by the student of written answers to a series of questions and/or solutions to specified problems and/or work projects which are corrected and graded by the school and returned to the trainee.

(1) A correspondence course may be prescribed as part of the course of vocational rehabilitation when such a course is necessary to supplement the major part of the course to provide the veteran with theory and/or technical information directly related to and functional in the practice of the occupation for which the veteran is being trained.

(2) A correspondence course alone is rarely a satisfactory method of accomplishing the vocational rehabilitation training of a disabled veteran under the provisions of the law and Veterans' Administration policies and procedures. Accordingly, a correspondence course as the total course of vocational rehabilitation will not be furnished except that subject to the provisions of paragraph (g) of this section, a correspondence course alone may be prescribed as the course of vocational rehabilitation training when in the exceptional case there is clear indication that (i) the correspondence course is the only practicable means of accomplishing the necessary training to restore employability in the chosen objective; (ii) the correspondence course is of such character and high quality that the completion of the course definitely will accomplish vocational rehabilitation; (iii) the veteran will be able to devote full time to the pursuit of the correspondence course in terms of what is considered full-time training under the provisions of § 21.202; and (iv) the veteran possesses the ability to pursue the course under the conditions imposed by correspondence instruction, and he has those characteristics of industriousness and perseverance which give good

promise of the successful pursuit of correspondence instruction.

(3) Where a correspondence course is to be provided a veteran who is disabled to such an extent that training outside the home is not practicable, the provisions of paragraph (g) of this section are for application, whether the correspondence course is provided as related instruction as per subparagraph (1) of this paragraph or as the total course as per subparagraph (2) of this paragraph.

(g) *Training in the home.* A course which is pursued in the veteran's home with an individual instructor or with an instructor or instructors provided by an established institution under contract with the Veterans' Administration.

(1) Training in the veteran's home will not be furnished unless:

(i) There is clear indication that the veteran is unable to avail himself of instruction at a facility where training customarily is obtained owing to his inability to travel because of limitations imposed by his disability and, in case of such inability to travel, that there has been thoroughly investigated and found impracticable the possibility of accomplishing the restoration of the veteran's ability to get to and from a suitable training facility through the medium of appropriate restorative training, such as a course in ambulation or other course of physical restoration; and

(ii) Assurance is obtained from the appropriate medical officer that the veteran is physically capable of successfully pursuing the proposed course of training in the home. Plans for and the administration of the course will include making maximum utilization of the veteran's work tolerance at the start of the training and as the training progresses in compliance with § 21.202 (b); and

(iii) There is assurance that adequate work space and/or private study place is available in the veteran's home and that conditions in his home are favorable for the contemplated training; and

(iv) There is assurance that any necessary special equipment is properly furnishable under § 21.241 (b); and

(v) There is good indication that upon the completion of the training program the veteran will become employable in his home in the selected employment objective. Employment outside the home is presumed to be precluded because of the nature of the disability which makes it necessary to train the veteran in his home. Since the customary channels opening into employment will usually not be available for a veteran undergoing this type of training, it is extremely important that all possible arrangements for employment upon the completion of training be considered before the veteran is inducted into training. In any event, attention should be given to such factors as whether the veteran will be able with training to perform the necessary duties of a proprietor; whether the location of the contemplated working center will be such that a profitable business may be developed; whether there is likely to be a suitable source of raw materials; and whether a market for the veteran's skills, products, and/or services will exist.

(2) Where it is determined that all the conditions set forth in subparagraph (1) of this paragraph are met, steps will be taken to ensure that:

(i) A detailed individual training program is prepared which meets fully the provisions of § 21.212 and which includes also a time schedule showing the daily hours of practice and also a schedule showing at what point the veteran is expected to complete each of the units of instruction in his individual training program.

(ii) Plans are made for careful and frequent supervision of the veteran's training inasmuch as supervision has an unusually important part in the success of training in the home. The supervision shall include routinely the checking of whether the veteran is devoting the proper amount of time to instruction, study, and practice, and that his progress is such that continuance of the course is warranted. Where any of these elements is not satisfactory, adjustment by improvement of accomplishment in the course, change in the course, or discontinuance of the course shall be promptly effected.

(h) *Independent instructor course.* A course which is pursued with an instructor who, independently of jurisdiction or direction of a training institution or establishment, furnishes and conducts the course at a place of training other than an established school, training on-the-job establishment, sheltered workshop, or the veteran's home. An independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop, within a reasonable distance of the veteran's home, and the nature of the veteran's disability is such that to require him to go elsewhere for training is impracticable. An independent instructor course shall be planned carefully by the Veterans' Administration in collaboration with the instructor and shall contain all the elements of essential information and work that constitute the occupation in which the veteran is to be made employable.

2. In § 21.202, paragraphs (a) and (c) are amended to read as follows:

§ 21.202 *Devotion of full time to training.* (a) Part VII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12 note), provides for payment of subsistence allowance in nothing less than full amount, except as provided in §§ 21.133 and 21.134. Accordingly, training under Part VII should constitute the veteran's principal and full-time endeavor. It is expected that the veteran will devote his undivided attention and effort to the course of vocational rehabilitation, and that the course will require the major part of each school or work-day or at least such part thereof as is commonly applied to training or employment in the particular occupation for which the veteran is in training: *Provided*, That under particular conditions specialized restorative training may be provided on a part-time basis as set forth in § 21.201 (d) (5).

(c) Training on the reduced-time basis as provided for in paragraph (b) (2) of this section shall not be continued beyond 3 months unless work tolerance has increased and the time devoted to training has been correspondingly increased as contemplated in paragraph (b) of this section: *Provided*, That where the veteran is pursuing a school course conducted on a term basis, training on a reduced time basis as provided for in paragraph (b) (2) of this section shall not be continued beyond the end of the term unless work tolerance has increased, and the time devoted to training has been correspondingly increased as contemplated in paragraph (b) (2) of this section.

3. Section 21.203 is amended to read as follows:

§ 21.203 *Devotion of less than full time to training.* Training under Part VII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12 note), on less than a full-time basis is not authorized except as specifically provided for by §§ 21.201 and 21.202.

4. Sections 21.113, 21.114, and 21.115 are hereby canceled.

§ 21.213 *Individual training program for a school course.* [Canceled.]

§ 21.214 *Individual training program for training on-the-job.* [Canceled.]

§ 21.215 *Individual training program for combination school and training on-the-job courses.* [Canceled.]

5. In § 21.220, paragraph (a) is amended; and paragraphs (e) and (f) are added to read as follows:

§ 21.220 *Conditions to be met before induction into training.* Regional managers are authorized to induct a veteran into training in an institution or other establishment for the purpose of pursuing a course of vocational rehabilitation which has been prescribed in accordance with the provisions of Part VII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12 note) (see §§ 21.40 and 21.701 (a)):

(a) When vocational advisement has been rendered, including the completion of the vocational advisement record, with the recording of all pertinent information, the selection of the employment objective, and the execution of VA Form 7-1902f, Certificate B, to show the concurrence of the veteran, the medical adviser or consultant where required, the vocational adviser, the chief, advisement and guidance section, or designate, and the chief, education and training section, or designate;

(e) When the veteran's disability rating has not been reduced to a noncompensable degree (see § 21.41); and

(f) When the service-connection of the veteran's disability has not been severed (see § 21.41).

6. In § 21.235, paragraph (b) is amended to read as follows:

§ 21.235 *Authority to furnish supplies to trainees in school training.* * * *

(b) It is the general policy to have schools furnish supplies wherever practicable inasmuch as such practice will facilitate service to the veteran. If the school cannot be induced to furnish supplies, they will be furnished by the Veterans' Administration in the manner prescribed in vocational rehabilitation and education procedures for furnishing supplies for training on the job.

7. Section 21.236 is amended to read as follows:

§ 21.236 *Authority to furnish supplies to trainees in training on the job.* (a) Under the authority set forth in § 21.232 and subject to the limitations contained in §§ 21.230 through 21.242, the regional manager may furnish a veteran pursuing a course of vocational rehabilitation on the job with necessary supplies under one of the following conditions:

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. If an item required by the training establishment is not on the approved list, the regional office may substitute that item for a corresponding item on the approved list, provided the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made. Items not on the approved list for the trade or occupation for which the trainee is pursuing training or items which may not be substituted for items on the approved list in accord with the preceding sentence shall not be furnished.

(2) When the trainee is pursuing training for an occupation for which there is no approved list, the aggregate cost of supplies furnished may not exceed \$100.

(b) In addition to supplies furnished under paragraph (a) (1) or (a) (2) of this section and subject to the limitations in §§ 21.230 through 21.242, the regional manager may furnish a veteran pursuing a course of vocational rehabilitation training on the job with minimum necessary textbooks and/or other text material where the following conditions are met:

(1) The training establishment certifies that the textbooks or other text material are required to be owned and used by the veteran as a part of his course of training on the job; and

(2) The use of the textbooks or other text material is made a part of the veteran's individual training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignments, the completion of which by the trainee is checked and evaluated by the trainer and reported by the trainee on his monthly report of training.

(c) Special equipment over and above supplies furnished under paragraphs (a) and/or (b) of this section will be furnished only as authorized under § 21.241 (b).

8. A new § 21.236a is added; former § 21.236a is redesignated § 21.236b and the title changed; former § 21.236b is re-

designated § 21.236c and amended as shown.

§ 21.236a *Furnishing supplies to trainees in combination courses.* Where a veteran's course consists of training on the job combined with related school training, supplies for the training on the job part of the course will be furnished in accordance with § 21.236 and supplies for the school part of the course will be furnished in accordance with § 21.235.

§ 21.236b *Furnishing supplies to trainees in institutional on-farm training.* * * *

§ 21.236c *Furnishing magazines and other periodicals.* (a) Magazines and other periodicals for trainees may be furnished by the Veterans' Administration under the authority set forth in § 21.232 only where such items are required by the training institution as text material and where, in addition to the limitations and restrictions set forth in § 21.234, both the following conditions are met:

9. A new § 21.237a is added to read as follows:

§ 21.237a *Furnishing supplies to veterans pursuing training in the home.* (a) Under the authority set forth in § 21.232 and subject to the limitations contained in §§ 21.230 through 21.242, the regional manager may furnish a veteran pursuing a course of vocational rehabilitation training in the home with necessary supplies under one of the following conditions:

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. If an item required by the instructor or the institution furnishing the training in the home is not on the approved list, the regional office may substitute that item for a corresponding item on the approved list provided the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made. Items not on the approved list for the trade or occupation for which the trainee is pursuing training or items which may not be substituted for items on the approved list in accord with the preceding sentence shall not be furnished.

(2) Where the trainee is pursuing training for an occupation for which there is no approved list, the aggregate cost of supplies furnished may not exceed \$100.

(b) In addition to supplies furnished under paragraphs (a) (1) or (a) (2) of this section, and subject to the limitations in §§ 21.230 through 21.242, the regional manager may furnish a veteran pursuing a course of vocational rehabilitation training in the home with minimum necessary textbooks and/or text material when the following conditions are met:

(1) When the instructor or the institution furnishing the training in the home certifies that the textbooks or other text material are required to be owned

and used by the veteran as a part of his course; and

(2) The use of the textbooks or other text material is made a part of the veteran's individual training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignment, the completion of which by the veteran is checked and evaluated by the instructor and reported by the veteran on his monthly report of training.

(c) Special equipment over and above supplies furnished under paragraphs (a) and/or (b) of this section will be furnished only as authorized under § 21.241 (b).

10. In § 21.261, paragraph (c) is hereby canceled.

§ 21.261 *Ordinary leave.* * * *
(c) [Canceled.]

11. In § 21.300, paragraph (a) (1) is amended; and paragraphs (a) (2) and (b) are added to read as follows:

§ 21.300 *Definition of course of education or training.* * * *

(a) * * *
(1) Concurrent enrollment in two educational institutions may be allowed when:

(2) Concurrent enrollment in an approved training on-the-job establishment (principal institution) and an educational institution may be allowed, when:

(i) The instruction to be given in the educational institution (including correspondence schools) is related to the training being provided in the training establishment in that it provides the veteran that theory and/or technical information which is directly related to and functional in the practice of the occupation for which the veteran is being trained.

(ii) The training establishment in which the veteran is receiving his primary training prescribes or recommends the course of related instruction (a) as a part of the approved training program, and (b) as necessary to attain the job objective of the individual veteran.

NOTE: Where provision for related instruction is not included in the training program of the establishment as currently approved, the addition of related instruction to the training program must be approved by the State approving agency before concurrent enrollment is authorized by the Veterans' Administration.

(iii) Books, supplies, and equipment furnished the veteran in connection with his training at the training establishment which may be used in the educational institution are not duplicated.

(b) Concurrent enrollment allowed under paragraph (a) (1) and (2) of this section will be authorized and effected in accordance with vocational rehabilitation and education procedures.

12. In § 21.314, paragraph (f) is amended to read as follows:

§ 21.314 *General limitations.* * * *

(f) The Veterans' Administration will not reimburse a trainee who personally buys supplies except trainees in training

under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) in foreign countries as provided in § 21.150. Payment for supplies is made to the training institution or to the vendor from whom they are purchased by the Veterans' Administration. If the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the training institution stand as an unpaid obligation of the Veterans' Administration to the institution, payment may be made if otherwise in order.

13. In § 21.315, paragraph (b) is amended to read as follows:

§ 21.315 *Authority to furnish supplies to trainees in school training.* * * *

(b) It is the general policy to have schools furnish supplies wherever practicable, inasmuch as such practice will facilitate service to the veteran. If the school cannot be induced to furnish supplies, they will be furnished by the Veterans' Administration in the manner prescribed in vocational rehabilitation and education procedures for furnishing supplies for training on the job.

14. Section 21.316 is amended, and a new § 21.316a is added to read as follows:

§ 21.316 *Authority to furnish supplies to trainees in training on the job.* (a) Under the authority set forth in § 21.312 and subject to the limitations contained in §§ 21.310 through 21.324a, the regional manager may furnish a veteran pursuing a course of training on the job with necessary supplies under one of the following conditions:

(1) Where the veteran is pursuing training for an occupation covered by an approved list in vocational rehabilitation and education procedures, the supplies furnished may not exceed those which appear on the approved list. If an item required by the training establishment is not on the approved list, the regional office may substitute that item for a corresponding item on the approved list provided the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made. Items not on the approved list for the trade or occupation for which the trainee is pursuing training or items which may not be substituted for items on the approved list in accord with the preceding sentence shall not be furnished.

(2) When the trainee is pursuing training for an occupation for which there is no approved list, the aggregate cost of supplies furnished may not exceed \$100.

(b) In addition to supplies furnished under paragraph (a) (1) or (a) (2) of this section, and subject to the limitations in §§ 21.310 through 21.324a, the regional manager may furnish a veteran pursuing a course of training on the job with minimum necessary textbooks and/or other text material where the following conditions are met:

(1) The training establishment certifies that the textbooks or other text material are required to be owned and used

by the veteran as a part of his course of training on the job; and

(2) The use of the textbooks or other text material is made a part of the veteran's training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignments, the completion of which by the trainee is checked and evaluated by the trainer.

§ 21.316a *Furnishing supplies to trainees in combination courses.* When a veteran's course consists of training on the job combined with related school training, supplies may be furnished for the training on-the-job part of the course in accordance with the provisions of § 21.316, and supplies for the school part of the course will be furnished in accordance with § 21.315.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 11a, 694, 707. Interpret or apply 57 Stat. 43, secs. 300, 400, 500, 1500-1504, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11, 59 Stat. 624, 626, 631, 542, 60 Stat. 124, 934, 61 Stat. 180, 449, 739, 791; 38 U. S. C. 693g, 697-697d, 697f, 697g, ch. 12 notes)

This regulation effective December 8, 1949.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49-9763; Filed, Dec. 7, 1949; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

GUMMED TAPE CLOSURE ON MAIL MATTER

In Part 35 (13 F. R. 8906) make the following changes:

1. In the table of sections insert, between § 35.6 and § 35.7, the following:

35.6a Gummed tape closure on mail matter.

2. Insert a new section immediately following § 35.6, to be designated § 35.6a and to read as follows:

§ 35.6a *Gummed tape closure on mail matter—(a) Causes of tape failures.* In view of reports of damage to parcels sealed with gummed tape which did not hold, the matter was recently made the subject of a nation-wide survey which disclosed that the tape failures were due to application along the center seams only of boxes but not across the end seams, or on the open seams of wrapped parcels but not across the ends, use of too lightweight tape, and improper moistening of tape or failure to apply it with pressure.

(1) Improper use of gummed tape results in excessive time spent in reconditioning parcels in the postal service as well as damage or loss to the matter mailed in many instances. Unless the tape is applied with palm pressure by the operator immediately after moistening, its efficiency is impaired. However, improper moistening of tape and failure to apply with pressure are usually noticeable. This condition must be corrected

and postmasters are requested to see that parcels sealed with gummed tape appear to have such tape properly applied before they are accepted. This can be done by the accepting employee or by periodic checks of firm mailings.

(2) The damage survey was made during the summer months when the water used to moisten tape is ordinarily warm and it is known that damage involving taped parcels rises sharply during the winter months and tapers off in the spring and summer. It appears that cold water from a running faucet or from a pan particularly during cold weather will not properly moisten tape.

(b) *Improperly packed parcels.* (1) Heavy parcels underpacked with shifting of contents, or overpacked to a point where they bulge should not be accepted when sealed only with gummed tape. Underpacked parcels with subsequent crushing, or loss of contents by cutting through the shipping carton, account for a high percentage of damage.

(2) Printed matter wrapped in paper and taped, and heavy hardware items in taped fiberboard boxes, are not adapted to mechanical handling and reinforcement of the tape closure is indicated above certain weights as hereinafter specified in order to reduce damage.

(3) Gummed tape on flimsy boxes (cardboard, pasteboard, paperboard, etc.) of any material size has not proven satisfactory since the container itself is not suitable for postal handling and its use is one of the large contributing factors to damage and loss. These boxes should be wrapped in substantial paper and tied, or taped if the wrapped parcel is firm, or be enclosed in a strong fiberboard carton securely fastened.

(c) *Proper packing.* (1) Fiberboard boxes with gummed tape as sole closure should have the center seams taped with 2½ inch overlaps at the ends, together with cross strips of tape at the ends both on top and bottom.

(i) When gross weight exceeds 30 pounds, horizontal overlaps of not less than 2½ inches should be required at each of the eight corners unless the flaps are properly glued or stapled, or reinforced by strong twine, rope, or strapping. When gross weight exceeds 50 pounds a heavier tape is required as shown in paragraphs (d) (1) (iii) and (d) (3) (ii) of this section.

(ii) Telescoping boxes should have the open seam taped on all sides. Wrapped parcels should have a cross strip at each end in addition to the lengthwise strip, unless the shape of the parcel indicates that an encircling strip instead of the end strips would be preferable.

(2) Parcels containing liquids in either metal or glass containers must have the closure, if of gummed tape, reinforced when gross weight exceeds 30 pounds. When gross weight exceeds 15 pounds, horizontal corner overlaps of the gummed tape are required on fiberboard boxes.

(3) Parcels containing books, leaflets and other similar matter packed in an inside container should have the closure if of gummed tape, reinforced when gross weight exceeds 40 pounds.

(4) Wrapped parcels sealed with gummed tape containing flat printed

matter or other similar matter which is not securely fastened or boxed should have the tape closure reinforced when gross weight exceeds 5 pounds. Bending and shifting contents may cut through the outer wrapper and the use of rigid material securely fastened to the printed matter before being wrapped to prevent buckling or shifting thereof should be recommended. The use of kraft envelopes fastened only with a metal clasp, or fiber buttons and twine, should not be permitted when contents are heavy. The end flaps should be reinforced with gummed tape or the envelope securely tied.

(5) Parcels containing heavy hardware items, machinery parts, castings, bearings, wrenches and similar matter, should have the closure, if of gummed tape, reinforced when gross weight exceeds 15 pounds. Mailers should be urged to use strong cloth or canvas sacks or strong boxes securely closed for small articles such as bolts, washers, etc., when in considerable quantity, before placing in the shipping box, and longer items such as wrenches, rods, etc., which have a tendency to cut through the end of the shipping box should be well packed to prevent shifting, with the ends of the shipping box reinforced if necessary.

(d) *Required types and widths of tapes.* In view of damage due to the use of too lightweight tape the following types and widths of tapes should be required and such tapes must equal or exceed any current Federal or I. C. C. specification or regulation relating thereto.

(1) Gummed sulphate paper (kraft) tape. (i) 35 lb. basis weight (500 sheets 24 x 36 inches) not less than 1½ inches in width for parcels not exceeding one pound or on heavier parcels not exceeding 5 lbs. if additional strips are applied to be equivalent of 60 lb. tape.

(ii) 60 lb. basis weight not less than two inches in width for parcels not exceeding five pounds, and not less than three inches in width for parcels over five pounds. Tensile strength shall be not less than 45 lbs. per inch of width.

(iii) 90 lb. basis weight, a heavy duty tape stronger than 60 lb. which is acceptable in same widths in lieu of 60 lb. and on certain parcels weighing in excess of 50 lbs.

(iv) Gummed waterproof heavy duty tape or gummed tape consisting of two sheets of paper stock laminated together with reinforcing filaments such as strong cords or strands of fiber imbedded in the binding material lengthwise, which is acceptable in same widths in lieu of 60 lb. tape.

(2) Gummed cloth tape not less than 40 units Elmendorf test, two inches in width, acceptable in lieu of 3 inch kraft 60 lb. tape.

(3) Moisture resistant, pressure-sensitive-adhesive tapes, the backs of which do not possess adhesive properties and other mail matter will not adhere thereto. The various drafting tapes, masking tapes and photographic tapes are not suitable as sealing tapes for parcel post.

NOTE: These pressure sensitive tapes are not approved for use on registered mail.

(i) Paper tape, tensile strength not less than 45 lbs. per inch width, and initial adhesion to steel not less than 25 ounces per inch width. This tape is considered the equivalent of Kraft 60 lb. tape and may be used as indicated in subparagraph (1) (ii) of this paragraph in the same widths as Kraft Tape.

(ii) Heavy duty sealing tape with reinforced filaments imbedded lengthwise in the binding material with tensile strength of 180 lbs. per inch width is acceptable in three inch width in lieu of Kraft 90 lb. tape, or in widths from $\frac{3}{4}$ to $1\frac{1}{2}$ inches in lieu of metal strapping on fiberboard cartons when applied in the same manner provided an overlap of at least $2\frac{1}{2}$ inches is used, and to hold heavy items together such as metal parts, wire, etc., provided an overlap of 6 inches is used.

(iii) Transparent cellulose (cellophane) tape of $\frac{1}{2}$ inch width is suitable to reinforce the closure on small cartons weighing less than one pound and the $\frac{3}{4}$ inch width may be used to seal small parcels of similar weight provided no liquid in glass is contained therein, as this tape is adversely affected by moisture and loses its adhesive properties. It also has poor tear resistance. Transparent acetate tape is similar in appearance to cellulose tape but is moisture resistant, and the type which has fibrous lamination has better tear resistance and is approved for affixing labels to clean, dry surfaces.

(iv) A tough plastic elastic film type tape with tensile strength of 25 lbs. per inch width has been approved in $\frac{3}{4}$ inch width for wrapping around the edges of bottle screw caps and similar closures for containers of certain liquids, powders, etc., to reinforce the closure and prevent leakage.

(e) The use of the printed endorsements "Fragile", "Liquid", etc., on sealing tape should be discouraged as a parcel so endorsed is not considered as being properly labeled in accordance with the postal laws and regulations.

(f) Postmasters should endeavor to obtain cooperation of all mailers in proper packaging and labeling with the view of reducing damage and loss, and mailers who have special problems in packaging for parcel post should be assisted so far as practicable. In the event postmasters do not have the necessary information, the matter should be referred to the Department (Surface Postal Transport). This is important especially in cases of large mailings in order to insure uniformity in packaging requirements. Improper use of gummed tape may be due to some extent to lack of knowledge as to proper application, moistening, storage, etc., but illustrated literature on the subject is available to the user from his supplier or from The Gummed Industries Association, Inc., 19 West Forty-fourth Street, New York 18, New York and others.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL]

J. M. DONALDSON,
Postmaster General.[F. R. Doc. 49-9802; Filed, Dec. 7, 1949;
8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

EXPORT DECLARATIONS

In § 127.85 *Export declarations* (13 F. R. 9097; 14 F. R. 3082) make the following changes:

1. Amend paragraph (a) to read as follows:

(a) In order to enable the Department of Commerce to compile statistics of commercial exports by regular mail or parcel post (surface or air), postmasters at first-, second-, and third-class offices will require business concerns sending merchandise valued at \$25 and over to other business concerns:

(1) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(2) From continental United States to its noncontiguous territories or possessions¹ except Alaska and Hawaii; and

(3) From Puerto Rico or the Virgin Islands of the United States to continental United States;

to fill out a Shipper's Export Declaration on Department of Commerce Form 7525-V. The Shipper's Export Declaration is only required for goods mailed for commercial purposes and not for goods which involve no commercial consideration. (However, Commerce Form 7525-V must also be filed for shipments of all articles covered by a validated export license from the Office of International Trade, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. See paragraphs (h) and (i) of this section.) The declaration need not be furnished for catalogs, instruction books, (except technical data), and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise.

2. Amend paragraph (c) to read as follows:

(c) Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to the same country. Export declarations need not be notarized.

3. Amend paragraph (e) to read as follows:

(e) Completed declarations shall be postmarked in the lower left-hand corner and forwarded from the office of mailing to—

New York Office
Foreign Trade Division
Bureau of the Census
Room 434, Customhouse
New York 4, New York.

4. Delete the footnote to paragraph (e).

¹ Noncontiguous territories and possessions: Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. M. DONALDSON,
Postmaster General.[F. R. Doc. 49-9801; Filed, Dec. 7, 1949;
8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

TRIESTE (FREE TERRITORY OF)

In § 127.365 *Trieste (Free Territory of)* (13 F. R. 9225, 14 F. R. 1614, 7130) make the following changes:

1. Amend subdivision (ii) of paragraph (c) (2) to read as follows:

(ii) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, everyday clothing or clothes-making materials, shoes or shoe-making materials, mailable medical and health supplies, and household supplies and utensils if permitted under existing postal regulations. Tobacco in any form, luxury clothing, furs, clothes made with furs and skins, silk or nylon garments or cloth, gloves and other luxury items are not permitted.

2. Amend subdivision (iii) of paragraph (c) (2) to read as follows:

(iii) Vegetable seeds may be included provided the total domestic retail value of such vegetable seeds does not exceed \$5.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. M. DONALDSON,
Postmaster General.[F. R. Doc. 49-9800; Filed, Dec. 7, 1949;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 619]

WASHINGTON

WITHDRAWING PUBLIC LAND FOR USE OF THE UNITED STATES COAST GUARD, DEPARTMENT OF THE TREASURY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described land, known as George Island in the State of Washington, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the United States Coast Guard, Department of the Treasury, for Coast Guard purposes:

WILLAMETTE MERIDIAN

T. 37 N., R. 4 W.,
Sec. 34, lot 1.

The tract contains 1.15 acres.

It is intended that the land above described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

DECEMBER 2, 1949.

[F. R. Doc. 49-9796; Filed, Dec. 7, 1949;
8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles
[Ex Parte No. MC-42]

PART 183—HANDLING OF C. O. D. SHIPMENTS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of November A. D. 1949.

It appearing, that on October 21, 1947, the Commission, Division 5, entered upon an investigation into the rules, regulations and practices of common carriers of property subject to Part II of the Interstate Commerce Act regarding the handling of c. o. d. shipments and the collection and remittance of c. o. d. funds, notice of which appeared in 12 F. R. 8410;

And it further appearing, that a full investigation of the matters and things involved has been made, and that, on

the date hereof, the said division has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:¹

It is ordered, That the following rules and regulations are prescribed to become effective on February 1, 1950:

- Sec.
183.1 Applicability.
183.2 Tariff requirements.
183.3 Remittance.
183.4 Records.

AUTHORITY: §§ 183.1 to 183.4 issued under 49 Stat. 546, 554, 557, 558, 559, 563, 52 Stat. 1237, 54 Stat. 927; 49 U. S. C. 304, 311, 315, 316, 319, 320.

§ 183.1 *Applicability.* The rules and regulations in this part apply to the transportation by motor vehicle of c. o. d. shipments by all common carriers of property subject to Part II of the Interstate Commerce Act, except such transportation which is auxiliary to or supplemental of transportation by railroad and performed on railroad bills of lading, and except such transportation which is performed for freight forwarders and on freight forwarder bills of lading.

§ 183.2 *Tariff requirements.* No common carrier of property subject to the provisions of Part II of the Interstate Commerce Act, except as otherwise provided in § 183.1, shall render any c. o. d. service unless such carrier has published, posted and filed tariffs which contain the rates, charges and rules governing such service, which rules shall conform to the regulations in this part.

§ 183.3 *Remittance.* Every common carrier of property subject to Part II of the Interstate Commerce Act, except as otherwise provided in § 183.1, shall remit

each c. o. d. collection directly to the consignor or other person designated by the consignor as payee promptly and within ten (10) days after delivery of the c. o. d. shipment to the consignee. If the c. o. d. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the c. o. d. collection to the consignor or payee, notify the originating carrier of such remittance.

§ 183.4 *Records.* Every common carrier of property subject to the provisions of Part II of the Interstate Commerce Act, except as otherwise provided in § 183.1, handling c. o. d. shipments as a delivering carrier shall maintain a record of all c. o. d. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (a) Number and date of freight bill; (b) name and address of shipper or other person designated as payee; (c) name and address of consignee; (d) date shipment delivered; (e) amount of c. o. d.; (f) date collected by delivering carrier; (g) date remitted to payee; and (h) check number or other identification of remittance to payee.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9807; Filed, Dec. 7, 1949;
8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE WITH RESPECT TO APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1950-51 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1313), the Secretary of Agriculture is considering the apportionment of the national marketing quota for flue-cured tobacco for the 1950-51 marketing year (14 F. R. 3737) among the several States.

Section 313 (e) of the act (7 U. S. C. 1313 (e)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under paragraph (c) of section 313 (small farms and "new" farms), among the several States on the basis of the total production of

tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

It has been determined that no acreage was diverted under agricultural adjustment or conservation programs during any of the years 1944-48, inclusive. As in prior years, it is proposed that in apportioning the quota among the several States, major consideration will be given to the totals of the preliminary allotments established for all farms in the State pursuant to § 725.116 of the Burley and flue-cured tobacco marketing quota regulations for the 1950-51 marketing

year, issued by the Secretary August 11, 1949 (14 F. R. 5037), as it is believed that the procedure for determining the individual farm acreage allotments reflects, on a farm basis, the factors required by the act to be considered in making adjustments in historical acreage at the State level.

In apportioning the national marketing quota for flue-cured tobacco for the 1950-51 marketing year, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than December 19, 1949, in order to be considered.

Issued at Washington, D. C., this 2d day of December 1949.

[SEAL]

F. K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 49-9827; Filed, Dec. 7, 1949;
8:56 a. m.]

¹ Filed as a part of the original document.

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 61]

LONG-DISTANCE DOMESTIC SCHEDULED AIR
CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received

within 15 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Special Civil Air Regulation SR-331 expires December 31, 1949. This regulation provides special operating rules for flights of scheduled air carrier aircraft at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. in long-distance operations.

At the time SR-331 was adopted by the Board, it was intended that within the 6 months following such adoption appropriate revisions of Parts 40 and 61 would be promulgated which would be appropriate for the regulation of flights of scheduled air carrier aircraft at the aforementioned altitudes. However, although revision of Parts 40 and 61 is a

project on which the Bureau has been actively engaged during the past several months, the projected revision has not been completed. It is therefore deemed advisable to extend the effective date of SR-331 until July 1, 1950, or until such earlier date as the projected revision may become effective.

Accordingly, it is proposed to postpone the termination date of SR-331 from December 31, 1949, to June 30, 1950.

(Secs. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: December 1, 1949.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 49-9810; Filed, Dec. 7, 1949;
8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the
Public Debt

[1949 Dept. Circ. No. 854]

1% PERCENT TREASURY NOTES OF SERIES
A-1954

OFFERING OF NOTES

DECEMBER 5, 1949.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1% percent Treasury Notes of Series A-1954, in payment of which any of the following listed Treasury securities, singly or in combinations aggregating \$1,000 or multiples thereof, may be tendered:

Treasury certificates of Indebtedness: 1½ percent certificates, Series H-1949, dated December 15, 1948, maturing December 15, 1949.

Treasury bonds: 2 percent bonds of 1949-51, dated July 15, 1942, due December 15, 1951, called for redemption December 15, 1949; 3½ percent bonds of 1949-53, dated December 15, 1934, due December 15, 1952, called for redemption December 15, 1949; 2½ percent bonds of 1949-53, dated December 15, 1936, due December 15, 1953, called for redemption December 15, 1949.

II. Description of notes. 1. The notes will be dated December 15, 1949, and will bear interest from that date at the rate of 1% percent per annum, payable on a semiannual basis on September 15, 1950, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1954, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or

State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for notes allotted hereunder must be made on or before December 15, 1949, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series H-1949, maturing December 15, 1949, or in Treasury Bonds of 1949-51, Treasury Bonds of 1949-52 or Treasury Bonds of 1949-53, all called for redemption December 15, 1949, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following

acceptance of the certificates. Final interest due December 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of December 15, 1949, coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. Assignment of registered bonds. 1. Treasury Bonds of 1949-51, Treasury Bonds of 1949-52 or Treasury Bonds of 1949-53 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series A-1954 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49-9817; Filed, Dec. 7, 1949;
8:52 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 21]

SCOBEY FIREPROOF STORAGE CO.

RESOLUTION APPROVING APPLICATION, AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR A FOREIGN-TRADE ZONE AT MUNICIPAL AIRPORT, SAN ANTONIO, TEX.

Proceedings of the Foreign-Trade Zones Board held at its offices in the City of Washington, D. C., on the 29th day of November A. D. 1949.

Board: Charles Sawyer, Secretary of Commerce, Chairman; John W. Snyder, Secretary of the Treasury; Gordon Gray, Secretary of the Army.

Resolution and Order

Pursuant to the act approved June 18, 1934 (48 Stat. 998-1003; 19 U. S. C. 81a-81u) the following resolution was adopted:

That the application of the Scobey Fireproof Storage Company for a grant to establish and operate a foreign-trade zone at the Municipal Airport, San Antonio, Texas, as permitted under the Foreign-Trade Zone Act of June 18, 1934, is approved.

The Board having considered the matter: *It is ordered:* "Upon examination, the application of the Scobey Fireproof Storage Company, San Antonio, Texas, for the privilege of establishing, operating, and maintaining a foreign-trade zone at San Antonio has been found to be in proper order and in compliance with the Act and the Rules and Regulations made thereunder. Now, therefore, the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Scobey Fireproof Storage Company, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at the Municipal Airport, San Antonio, Texas, in compliance with the application on file with the Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board."

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone at the Municipal Airport, San Antonio, Texas

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes" (48 Stat. 998-1003; 19 U. S. C. 81a-81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Scobey Fireproof Storage Company, a corporation, organized and existing under the laws of the State of Texas, having its office and principal place of business in the City of San An-

tonio, in the State of Texas, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. 6, at the Municipal Airport, San Antonio, Texas, as shown on the map accompanying said application, marked Exhibit No. 10; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Act and that the facilities and appurtenances which in said application it is proposed to provide are sufficient;

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the act and all of the rules and regulations made thereunder, hereby grants to the Grantee the privilege of establishing, operating and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 6, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13, inclusive, as revised, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints, as revised, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone shall be commenced by the Grantee within one hundred eighty (180) days from the date of this grant. The Grantee shall notify the United States District Engineer in whose district the zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the

United States of America be liable therefor.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Charles Sawyer, at Washington, D. C., this 30th day of November, 1949, pursuant to an order of the Board issued on November 29, 1949.

[SEAL] FOREIGN-TRADE ZONES BOARD,
CHARLES SAWYER,
Chairman and Executive Officer.

Attest:

THOS. E. LYONS,
Executive Secretary.

CERTIFICATE BY EXECUTIVE SECRETARY

I, Thos. E. Lyons, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of the Board of that portion of the Minutes of November 29, 1949, of the Foreign-Trade Zones Board relating to the matter hereinbefore in this Grant described:

Upon examination, the application of the Scobey Fireproof Storage Company, San Antonio, Texas, for the privilege of establishing, operating, and maintaining a foreign-trade zone at San Antonio, has been found to be in proper order and in compliance with the Act and the Rules and Regulations made thereunder. Now, therefore, the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Scobey Fireproof Storage Company, a grant permitting the establishment, operation and maintenance of a foreign-trade zone at the Municipal Airport, San Antonio, Texas, in compliance with the application on file with the Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board.

Witness my hand and the seal of the Foreign-Trade Zones Board this 30th day of November 1949, at Washington, D. C.

[SEAL] THOS. E. LYONS,
Executive Secretary.

[F. R. Doc. 49-9815; Filed, Dec. 7, 1949;
8:49 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

NOTICE OF OPPORTUNITY FOR HEARING TO DETERMINE CONFORMITY OF CALIFORNIA UNEMPLOYMENT INSURANCE ACT

Whereas, on the 27th day of December 1935 the Unemployment Reserves Act of the State of California (Chapter 352, Laws of 1935) now known and cited as the Unemployment Insurance Act, was heretofore approved by the Social Security Board pursuant to the provisions of section 903 (a) of the Social Security Act, now section 1603 (a) of the Internal Revenue Code; and

Whereas, section 1603 (c) of the Internal Revenue Code provides that:

On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary of each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the

State agency, the Secretary of Labor finds has changed its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision;

and

Whereas, the California Employment Stabilization Commission and the California Unemployment Insurance Appeals Board have interpreted the California Unemployment Insurance Act to permit the denial of benefits to individuals who have no employment relation with or attachment to an employer involved in a labor dispute solely on the ground that they would not accept work or be available for work vacant due to a labor dispute with such employer; and

Whereas, the above interpretation of said act appears to change the provisions of the Unemployment Insurance Act of the State of California, as previously approved;

Now, therefore, pursuant to the provisions of section 1603 (c) of the Internal Revenue Code, notice is hereby given that an opportunity for hearing will be provided to the State of California, to wit, the California Department of Employment, and to other interested persons and organizations, beginning at ten o'clock on the morning of the 19th day of December 1949, at room 1214 of the Labor Department Building, Fourteenth and Constitution Avenue NW., Washington, D. C., on the question of whether or not the State of California has so changed its law that it no longer contains the provisions specified in subsection (a) of section 1603 of the Internal Revenue Code, particularly paragraph 5 of said subsection, and that upon the basis of the evidence adduced at said hearing and such other evidence as may be presented by the State and other interested persons and organizations it will be determined whether or not the Unemployment Insurance Act of the State of California may be certified to the Secretary of the Treasury, as provided in subsection (c) of section 1603 of the Internal Revenue Code.

Any person other than a representative of the State of California who desires to appear and be heard at said hearing, shall file with me, on or before December 16, 1949, a written or telegraphic request of an opportunity to be heard, setting forth his name, and the persons or groups, if any, whom he represents.

MAURICE J. TOBIN,
Secretary of Labor.

NOVEMBER 29, 1949.

[F. R. Doc. 49-9803; Filed, Dec. 7, 1949;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4115]

HELICOPTER AIR SERVICE, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of

Helicopter Air Service, Inc., over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on December 12, 1949, at 9:30 a. m., e. s. t., in Room 1851 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 5, 1949.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-9828; Filed, Dec. 7, 1949;
8:56 a. m.]

[Docket No. 4225]

AIR COMMUTING, INC., AND METROPOLITAN AVIATION CORP.

NOTICE OF HEARING

In the matter of the petition of Air Commuting, Inc. and Metropolitan Aviation Corporation for approval under section 408 of the Civil Aeronautics Act of 1938, as amended, of the acquisition by Air Commuting, Inc. of all the property of Metropolitan Aviation Corporation.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on December 12, 1949, at 10:00 a. m., e. s. t., in Room 1011, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said petition, particular attention will be directed to the following matters and questions:

1. Whether the proposed acquisition will be inconsistent with the public interest within the meaning of sections 408 (a) and 408 (b) of the Civil Aeronautics Act of 1938, as amended.

2. Whether the proposed transaction will result in the creation of a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party thereto.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before December 12, 1949, a statement setting forth the issues of fact or law raised by said petition which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the petition on file with the Civil Aeronautics Board.

Dated at Washington, D. C., December 5, 1949.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-9829; Filed, Dec. 7, 1949;
8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-623]

ADAMS EXPRESS CO. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1949.

In the matter of the Adams Express Company, Paul H. Davis & Co., Hallgarten & Co., R. W. Pressprich & Co.; File No. 812-623.

Notice is hereby given that The Adams Express Company ("Adams"), located at No. 40 Wall Street, New York, New York, an investment company registered under the Investment Company Act of 1940, as selling stockholder; Paul H. Davis & Co., a partnership, located at No. 10 South LaSalle Street, Chicago, Illinois; Hallgarten & Co., a partnership, located at No. 44 Wall Street, New York, New York; and R. W. Pressprich & Co., a partnership, located at No. 68 William Street, New York, New York, securities dealers and members of the New York Stock Exchange ("Participating Purchasers"), as purchasers have filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act the proposed purchase from Adams of 32,800 shares of the common stock, par value \$5 per share, of Harvey Hubbell, Incorporated ("Hubbell") by Participating Purchasers, as underwriters, to the extent that they are to become purchasers of such shares.

The price to be paid to Adams by the Participating Purchasers will be a price equal to the initial public offering price for such shares less the amount of the gross spread which has not yet been determined, but which will not exceed 95 cents per share. Such initial public offering price will be equal to (a) the price of the last sale of common stock of Hubbell (regular way) on the New York Curb Exchange prior to the release for offering of the shares of stock, if there has been a sale of such stock (regular way) on the New York Curb Exchange during the trading session preceding the release for offering of such shares; or (b) if there shall not have been a sale of such stock (regular way) on the New York Curb Exchange during such preceding trading session, then at the higher of (1) the last sale price on the New York Curb Exchange prior to such release for offering or (2) at the bid price at the close of the trading session preceding the release for offering, except that if such bid price is higher than such last sale price, then at a price not lower than fifty cents per share under such bid price, but not less than such last sale price.

Adams owns 10.25% of the outstanding capital stock of Hubbell, which is the 32,800 shares it proposes to sell. Mr. George E. Clark, president and member of the Board of Managers of Adams, is a director of Hubbell. Mr. Herbert I. Markham, a partner in Paul H. Davis & Co., is a director of Hubbell. Mr. Maurice Newton, a partner in Hallgarten & Co.,

and Mr. Clinton S. Lutkins, a partner in R. W. Pressprich & Co., are members of the Board of Managers of Adams.

The proposed purchase of securities of Hubbell by affiliated persons (Hallgarten & Co. and R. W. Pressprich & Co.) of affiliated persons (partners of such underwriters who are also managers of Adams) of the registered investment company (Adams) from such investment company is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 16, 1949, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 14, 1949, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-9805; Filed, Dec. 7, 1949;
8:49 a. m.]

[File No. 812-626]

BENSON AND HEDGES

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1949.

Notice is hereby given that Benson and Hedges, ("applicant"), a New York corporation, No. 435 Fifth Avenue, New York 16, New York, which is controlled by Tobacco and Allied Stocks, Inc., an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the act regarding the payment of a bonus by the applicant of not exceeding \$19,000 to office and factory employees of the applicant, not exceeding \$1,000 to the assistant secretary of the applicant and bonuses aggregating not in excess of \$25,000 to sales personnel of the applicant in an aggregate amount computed as a percentage of the increase in sales of certain of the applicant's prod-

ucts during the current year over sales of such products during the preceding year.

The participation in any transaction in connection with any bonus, profit-sharing or pension plan or arrangement in which a controlled company (Benson and Hedges) of a registered investment company (Tobacco and Allied Stocks, Inc.) is a participant is prohibited by Rule N-17D-1 under the act unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval or prior to the adoption thereof if not so submitted.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 15, 1949, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 13, 1949, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-9804; Filed, Dec. 7, 1949;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-1114]

TOBACCO, CIGARETTES—VIRGINIA TO EAST,
NEW ENGLAND

ORDER FOR INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 17th day of November A. D. 1949.

Upon consideration of a petition dated October 19, 1949, filed on behalf of certain railroads seeking the institution of an investigation into and concerning the reasonableness and lawfulness otherwise of the rates and charges and the rules, regulations, and practices affecting such rates and charges, applicable to the transportation, in interstate or foreign commerce, of cigarettes and manufactured tobacco, in truckloads, from

Petersburg and Richmond, Va., to destinations in official territory contained in the following tariffs, or as may be amended or reissued:

Middle Atlantic States Motor Carrier Conference, Inc., agent:

Supplement No. 42 to MF-I. C. C. No. A-254 (Items 290 A; 300 B; 310 A, the rates in the column captioned "T. L.", from Richmond, Va., to Baltimore, Md., New York, N. Y., zones 1 and 2, Philadelphia, Pa., and Washington, D. C.; 330 C; 335 C; 337 A; 1080 B; and 1100 A, the rates in the column captioned "T. L.").

Tariff MF-I. C. C. No. 285 (Item 540).

Supplement No. 30 to MF-I. C. C. No. A-285 (Item 530 D).

Eastern-Central Motor Carriers Association Agent: MF-I. C. C. No. A-49 (Items 4360 and 8580).

It is ordered, That an investigation be, and it is hereby, instituted by the said division into and concerning the reasonableness, and lawfulness otherwise, of the rates and charges and the rules, regulations, and practices affecting such rates and charges applicable to the transportation described in the next preceding paragraph hereof, with a view to making such findings in the premises and prescribing such just, reasonable, and otherwise lawful rates, charges, rules, regulations, and practices, if any, as the facts and circumstances shall appear to warrant.

It is further ordered, That all common carriers of property by motor vehicle parties to the said tariff schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing January 4, 1950, at 9:30 o'clock a. m., United States Standard Time, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner S. R. Diamondson.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-9806; Filed, Dec. 7, 1949;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6218]

MONTANA-DAKOTA UTILITIES Co.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

DECEMBER 2, 1949.

Notice is hereby given that, on December 1, 1949, the Federal Power Commission issued its order entered December 1, 1949, authorizing issuance of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-9797; Filed, Dec. 7, 1949;
8:45 a. m.]

[Docket No. G-1156]

MICHIGAN-WISCONSIN PIPE LINE CO. AND
MICHIGAN CONSOLIDATED GAS CO.NOTICE OF ORDER MODIFYING ORDERS
ISSUING CERTIFICATE OF PUBLIC CONVENI-
ENCE AND NECESSITY

DECEMBER 2, 1949.

Notice is hereby given that, on November 30, 1949, the Federal Power Commission issued its order entered November 29, 1949, modifying orders of August 2, 1949, and October 27, 1949, published in the FEDERAL REGISTER on August 12, 1949 (14 F. R. 4992) and November 3, 1949 (14 F. R. 6680), respectively, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-9798; Filed, Dec. 7, 1949;
8:46 a. m.]

[Docket No. G-1229]

MONTANA-DAKOTA UTILITIES CO. AND MON-
TANA-WYOMING GAS PIPE LINE CO.NOTICE OF OPINION NO. 187 AND ORDER
ISSUING CERTIFICATE OF PUBLIC CONVENI-
ENCE AND NECESSITY

DECEMBER 2, 1949.

Notice is hereby given that, on December 1, 1949, the Federal Power Commission issued its Opinion No. 187 and order entered December 1, 1949, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-9799; Filed, Dec. 7, 1949;
8:47 a. m.]DEPARTMENT OF JUSTICE
Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14056]

TOMEKICHI TANAKA

In re: Bank account and other personal property owned by Tomekichi Tanaka. D-39-19251-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomekichi Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligations owing to Tomekichi Tanaka, by

Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, arising out of a checking account, entitled Tomekichi Tanaka, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Fourteen (14) Japanese 10 Yen notes aggregating 140 Yen and presently in the custody of the Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, and

c. Eight (8) Certificates of Deposit of the Yokohama Specie Bank, Ltd., bearing the numbers 07127, 07128, 07129, 07130, 07131, 07132, 07133, 07134, of the aggregate face value of 34,166.93 Yen, and presently in the custody of the Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tomekichi Tanaka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.[F. R. Doc. 49-9818; Filed, Dec. 7, 1949;
8:52 a. m.]

[Vesting Order 14058]

MITSUO USUI

In re: Stock and personal property owned by Mitsuo Usui. F-39-4303-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuo Usui, whose last known address is Kyowa Koeki Kaisha #4-2

Chome Tohri Nihon Bashi Shuo-ke, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Seventy-five (75) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York 6, New York, evidenced by a certificate numbered P-206033, for twenty-five (25) shares of no par-value common capital stock of the aforesaid corporation, registered in the name of Edwin Kikuo Natori, and presently in the custody of Seattle-First National Bank, 2nd and Cherry Streets, Seattle, Washington, in an account entitled Mitsuo Usui, Safekeeping File No. 3607, together with all declared and unpaid dividends thereon and any and all rights to receive a new certificate for seventy-five (75) shares of no par value common capital stock of the aforesaid corporation, and

b. Personal property described as follows: One camera, Zeiss Ikon Super Ikonta, No. J-94587, Range Finder and Light Meter, Lens F. 1:2.8; presently in the custody of the United States Marshal for the Western District of Washington, Seattle, Washington, Marshal's File No. C-3-3039,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mitsuo Usui, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.[F. R. Doc. 49-9819; Filed, Dec. 7, 1949;
8:54 a. m.]